FEDERAL REGISTER

VOLUME 12 NUMBER 48

Washington, Saturday, March 8, 1947

TITLE 3—THE PRESIDENT

PROCLAMATION 2719

ARMY DAY AND ARMY WEEK, 1947

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the Army of the United States is a bulwark of our country's strength in time of peril and the faithful guardian of our dearly-bought liberty in time of peace, and has since the inception of this Nation stood between our freedom-loving people and all aggressors; and

WHEREAS the soldiers of our Army continue in active service as loyal servants of our democracy, whose purpose is to insure the establishment of justice, tranquillity, and an enduring peace; and

WHEREAS Senate Concurrent Resolution 5, 75th Congress, 1st Session, which was agreed to by the House of Representatives on March 16, 1937 (50 Stat. 1108) provides:

"That April 6 of each year be recognized by the Senate and House of Representatives of the United States of America as Army Day, and that the President of the United States be requested, as Commander in Chief, to order military units throughout the United States to assist civic bodies in appropriate celebration to such extent as he may deem advisable; to issue a proclamation each year declaring April 6 as Army Day, and in such proclamation to invite the Governors of the various States to issue Army Day proclamations: *Provided*, That in the event April 6 falls on Sunday, the following Monday shall be recognized as Army Day"·

NOW THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, in order that we may give special recognition to our Army, whose soldiers have gallantly secured and guarded our freedom since the founding of the Republic and have heroically sacrificed to bring to the world a lasting peace founded upon justice to all mankind, do hereby proclaim Monday, April 7, 1947, as Army Day, and encourage the observance of the week beginning April 6 and ending April 12, 1947, as Army Week; and I invite the Governors of the several States to issue proclamations for the celebration of this day and this week in such manner as to render appropriate honor to the Army of the United States.

I also remind our citizens that our Army, charged with the responsibility of defending the United States and our territorial possessions and of promoting the firm establishment of peace and good order in the territories of our defeated enemies, can discharge these duties only with the firm support of our people. I therefore urge my fellow countrymen to be mindful of the Army's needs, to the end that our soldiers may not lack the means to perform effectively their continuing tasks and that the hardships of military service in foreign lands may be alleviated in every way possible. There is no means by which we can better honor our heroic dead than by our support of their living comrades who carry on the mission they so nobly advanced.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 7th day of March in the year of our Lord nineteen hundred and forty-seven, and of the Independence of the United States of America the one hundred and seventy-first.

[SEAL]

HARRY S. TRUMAN

By the President:

DEAN ACHESON,
Acting Secretary of State.

[F. R. Doc. 47-2325; Filed, Mar. 7, 1947; 12:17 p. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter II—Production and Marketing Administration (Commodity Credit)

[1946 C. C. C. Corn Bulletin I (Loan) and Supp. 1, as Amended]

PART 248—CORN LOANS

SUBPART 1946

This bulletin states the requirements with respect to the 1946 Corn Loan Program formulated by Commodity Credit Corporation and the Production and Marketing Administration. Loans will be made available on corn produced in 1946 (hereinafter referred to as the "commodity") in accordance with this bulletin.

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EXECUTIVE AGENCIES

FEDERAL REGISTER

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The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such in parentheses.

CODIFICATION GUIDE—Con.

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AUTHORITY: §§ 248.31 to 248.53, inclusive, issued under Article Third, paragraph (b) of the Corporate Charter of Commodity Credit Corporation; sec. 8, 50 Stat. 767 as amended by 58 Stat. 643, 59 Stat. 306; sec. 7 (a), 49 Stat. 4 as amended by 50 Stat. 5, 53 Stat. 510, 55 Stat. 493, 57 Stat. 566, 643, 63 Stat. 105, 59 Stat. 51; 50 U. S. C. App., Sup., 963, 15 U. S. C. Sup. 713 (a).

§ 248.31 *Administration of program.* The program will be administered by the county agricultural conservation committees under the general supervision of the respective State committees. Forms may be obtained from county committees in areas where loans are available, or from the office of the Grain Branch serving the area. State and county committees will determine or cause to be determined the quantity and grade of the commodity and the amount of the loan. All loan documents will be completed and approved by the county committee, which will retain copies of all documents: *Provided, however,* That the county committee may designate in writing certain employees of the county agricultural conservation association to execute such forms on behalf of the committee. The county committee will furnish the borrower with the names of local lending agencies approved for making disbursements on loan documents, or with the address of the Grain Branch Office in Chicago to which loan documents may be forwarded for disbursement.

§ 248.32 *Availability of loans*—(a) *Area.* Loans will be made available in all States where farm storage is feasible.

(b) *Time.* Loans will be available from December 1, 1946 through July 31, 1947, except in Angoumois moth infestation areas where loans will be available only through March 31, 1947.

§ 248.33 *Approved lending agencies.* An approved lending agency shall be any bank, cooperative marketing association, corporation, partnership, individual, or other legal entity with which the Commodity Credit Corporation has entered into a Lending Agency Agreement (Form PMA-97) or other lending agency agreement prescribed by Commodity Credit Corporation.

§ 248.34 *Eligible producer.* An eligible producer shall be any individual, partnership, association, corporation, or other legal entity producing the commodity in 1946, as landowner, landlord, tenant, or share cropper.

§ 248.35 *Eligible commodity.* Eligible corn shall be merchantable ear or shelled field corn produced in 1946, by an eligible producer, in areas where farm storage is feasible, provided:

(a) (1) The beneficial interest in such corn is and always has been in the eligible producer; or

(2) Such corn was purchased by an eligible producer who will operate a different farm in 1947 from that operated in 1946, and the number of bushels placed under loan is not in excess of the total number of bushels produced by the producer on the farm operated by him in 1946; and

(b) Such corn is merchantable corn which, except for moisture content, grades No. 3 or better (or No. 4 on test weight only) as defined in the Official Grain Standards of the United States, and which has a moisture content not in excess of the following:

Ear corn if tendered for a loan from December 1, 1946, to March 31, 1947, both inclusive	20.5
Ear corn if tendered for a loan from April 1, 1947, to April 30, 1947, both inclusive	17.5
Ear corn if tendered for a loan from May 1, 1947, to July 31, 1947, both inclusive	15.5
Shelled corn if tendered for a loan from June 1, 1947, to July 31, 1947, both inclusive	13.5

Ear corn, otherwise eligible, in areas designated as Angoumois moth infestation areas shall be eligible provided it is tendered for a loan during the period December 1, 1946, to March 31, 1947, both inclusive.

§ 248.36 *Eligible storage.* Eligible storage shall consist of cribs or bins which, as determined by the county committee, are of such substantial and permanent construction as to afford protection against rodents, other animals, thieves, and weather.

The most important factor to be considered in the safe storage of corn is the crib width. Cribs having a width greater than the recommended width for the county will not be considered as safe for storage of corn offered for a loan, unless the moisture content of the corn is less than the applicable permissible moisture content by at least 1 percent for each foot or fraction thereof in excess of the recommended width. In the case of round cribs with center ventilator the distance from the ventilator to the outside wall shall be used as the width, and for round cribs without center ventilator two-thirds of the diameter shall be used as the width.

SCHEDULE OF MAXIMUM CRIB WIDTHS FOR SAFE STORAGE OF CORN

The following crib widths are recommended as the maximum widths for safe storage of corn in the respective areas:

ILLINOIS

6-foot area—Lake and McHenry Counties.

7-foot area—Boone, Carroll, Cook, De Kalb, Du Page, Grundy, Iroquois, Jo Daviess, Kane, Kankakee, Kendall, La Salle, Lee, Ogle, Stephenson, Whiteside, Will, and Winnebago.

8-foot area—All other counties.

INDIANA

6-foot area—Allen, Elkhart, De Kalb, Kosciusko, La Porte, Lagrange, Marshall, Noble, Starke, Steuben, Saint Joseph, and Whitley.

7-foot area—Adams, Benton, Blackford, Carroll, Cass, Clinton, Delaware, Fayette, Franklin, Fulton, Grant, Hamilton, Hancock, Henry, Howard, Huntington, Jasper, Jay, Lake, Madison, Miami, Newton, Porter, Pulaski, Randolph, Rush, Tippecanoe, Tipton, Union, Wabash, Wayne, Wells, and White.

8-foot area—All other counties.

IOWA

6-foot area—Allamakee, Clayton, Howard, Winneshiek.

7-foot area—Buchanan, Black Hawk, Bremer, Butler, Cerro Gordo, Chickasaw, Clinton, Delaware, Dickinson, Dubuque, Emmet, Fayette, Floyd, Franklin, Hancock, Jackson, Jones, Kossuth, Mitchell, Osceola, Winnebago, and Worth.

8-foot area—All counties not listed in other three areas.

9-foot area—Adams, Cass, Fremont, Harrison, Mills, Montgomery, Page, Pottawattamie, Shelby, and Taylor.

MICHIGAN

6-foot area—All counties.

MINNESOTA

6-foot area—All counties not in 7-foot area.

7-foot area—Brown, Blue Earth, Cottonwood, Faribault, Jackson, Lac qui Parle, Lincoln, Lyon, Martin, Murray, Nobles, Pipestone, Rock, Watonwan, Redwood, and Yellow Medicine.

MISSOURI

8-foot area—All counties except those in the 9-foot area.

9-foot area—Andrew, Atchison, Bates, Barton, Buchanan, Cass, Clay, Clinton, De Kalb, Gentry, Holt, Jackson, Jasper, McDonald, Newton, Nodaway, Platte, Vernon, and Worth.

NEBRASKA

8-foot area—Cedar, Dakota, Dixon, Thurston, and Wayne.

9-foot area—All counties not listed in the other two areas.

10-foot area—Adams, Buffalo, Clay, Chase, Custer, Dawson, Dundy, Fillmore, Franklin, Frontier, Furnas, Gosper, Hall, Hamilton, Harlan, Hayes, Hitchcock, Howard, Jefferson, Kearney, Keith, Lincoln, Merrick, Nuckolls, Phelps, Perkins, Redwillow, Saline, Sherman, Thayer, and Webster.

OHIO

6-foot area—Allen, Ashland, Ashtabula, Carroll, Columbiana, Coshocton, Cuyahoga, Crawford, Defiance, Erie, Fulton, Geauga, Hancock, Hardin, Harrison, Henry, Holmes, Huron, Jefferson, Knox, Lake, Lorain, Lucas, Marion, Mahoning, Medina, Morrow, Paulding, Putnam, Portage, Ottawa, Richland, Sandusky, Stark, Seneca, Summit, Trumbull, Tuscarawas, Van Wert, Wayne, Williams, Wood, and Wyandot.

7-foot area—All other counties.

SOUTH DAKOTA

7-foot area—Brookings, Deuel, Grant, Minnehaha, Moody, and Roberts.

8-foot area—Bon Homme, Charles Mix, Clark, Clay, Codington, Davison, Day, Douglas, Hamlin, Hanson, Hutchinson, Kingsbury, Lake, Lincoln, McCook, Marshall, Miner, Turner, Union, and Yankton.

9-foot area—All other counties.

WISCONSIN

6-foot area—All counties.

ALL OTHER AREAS

The maximum crib width acceptable as safe storage for corn in all other areas shall be the widths as recommended by the county committee of the respective county.

§ 248.37 *Approved forms.* The approved forms constitute the loan documents which govern the rights and responsibilities of the producer and should be read carefully. Any fraudulent representation made by a producer in obtaining a loan or in executing any of the loan documents will render him subject to prosecution under the United States Criminal Code.

(a) Approved forms shall consist of producer's notes, (C. C. C. Grain Form A, Revised, or C. C. C. Commodity Form A) secured by chattel mortgages on Forms C. C. C. Grain Form AA, Revised, or C. C. C. Commodity Form AA, respectively.

(b) Note and chattel mortgages must be dated not later than the closing date applicable for loans on such corn, and executed in accordance with the regulations in this part, with State and documentary revenue stamps affixed thereto where required by law. Notes and chattel mortgages executed by an administrator, executor, or trustee will be aceptable only where legally valid.

§ 248.38 *Determination of quantity.* A bushel of ear corn shall be 2.5 cubic feet of ear corn testing not more than 15.5 percent in moisture content. An adjustment in the number of bushels of ear corn will be made for moisture content in excess of 15.5 percent in accordance with the following schedule.

Moisture content	*Adjustment factor (percent)*
percent	
15.6 to 16.5 both inclusive	98
16.6 to 17.5 both inclusive	96
17.6 to 18.5 both inclusive	94
18.6 to 19.5 both inclusive	92
19.6 to 20.5 both inclusive	90
Above 20.5	No loan

A bushel of shelled corn shall be 1.25 cubic feet of shelled corn testing not more than 13.5 percent in moisture content.

§ 248.39 *Liens.* The commodity must be free and clear of all liens and encumbrances, or if liens or encumbrances exist on the commodity, proper waivers must be obtained.

§ 248.40 *Service fees.* The producer shall pay a service fee of 1.5 cents per bushel on the number of bushels placed under loan or $3.00 whichever is the greater.

§ 248.41 *Set-offs.* A producer who is listed on the county debt register as indebted to any agency or corporation of the United States Department of Agriculture shall designate the agency or corporation to which he is indebted as the payee of the proceeds of the loan to the extent of such indebtedness, but not to exceed that portion of the proceeds remaining after deduction of the service fees and amounts due prior lienholders. Indebtedness owing to Commodity Credit Corporation shall be given first consideration after claims of prior lienholders.

§ 248.42 *Loan rates and settlement values*—(a) *Loan rates.* The applicable loan rate per bushel of eligible corn for the various States and counties will be the county loan rate at the point of storage, except that loan rate on eligible corn grading "mixed" is 2 cents per bushel less.

State and county rates per bushel are as follows:

Colorado.—All counties $1.13.

Delaware.—All counties $1.30.

Illinois.—Jo Daviess, Mercer, $1.11; Adams, Boone, Bureau, Carroll, Hancock, Henderson, Henry, Knox, La Salle, Lee, McDonough, Marshall, Ogle, Putnam, Rock Island, Stark, Stephenson, Warren, Whiteside, Winnebago, $1.12; Brown, Calhoun, Cass, Champaign, Christian, Coles, De Kalb, De Witt, Douglas, Edgar, Ford, Fulton, Greene, Grundy, Kankakee, Kendall, Livingston, Logan, McHenry, McLean, Macon, Mason, Menard, Montgomery, Morgan, Moultrie, Peoria, Piatt, Pike, Sangamon, Schuyler, Scott, Tazewell, Vermilion, Woodford, $1.13; Bond, Clark, Cumberland, Du Page, Fayette, Iroquois, Jersey, Kane, Macoupin, Shelby, Will, $1.14; Clay, Clinton, Cook, Crawford, Effingham, Jasper, Jefferson, Lake, Madison, Marion, Wayne, $1.15; Edwards, Franklin, Hamilton, Lawrence, Monroe, Perry, Randolph, Richland, St. Clair, Wabash, Washington, White, $1.16; Gallatin, Hardin, Jackson, Johnson, Massac, Pope, Saline, Union, Williamson, $1.17; Alexander, Pulaski, $1.18.

Indiana.—Benton, Fountain, Jasper, Newton, Vermillion, Vigo, Warren, $1.14; Carroll, Cass, Clay, Fulton, Lake, La Porte, Marshall, Montgomery, Owen, Parke, Porter, Pulaski, St. Joseph, Starke, Sullivan, Tippecanoe, White, $1.15; Boone, Brown, Clinton, Daviess, Elkhart, Gibson, Grant, Greene, Hamilton, Hancock, Hendricks, Howard, Huntington, Johnson, Knox, Kosciusko, Lagrange, Madison, Marion, Miami, Monroe, Morgan, Noble, Putnam, Shelby, Tipton, Wabash, Whitley, $1.16; Adams, Allen, Bartholomew, Blackford, Decatur, De Kalb, Delaware, Dubois, Fayette, Franklin, Henry, Jackson, Jay, Jennings, Lawrence, Martin, Orange, Pike, Posey, Randolph, Ripley, Rush, Steuben, Union, Vanderburgh, Warrick, Wayne, Wells, $1.17; Clark, Crawford, Dearborn, Floyd, Harrison, Jefferson, Ohio, Perry, Scott, Spencer, Switzerland, Washington, $1.18.

Iowa.—Buena Vista, Ida, Lyon, O'Brien, Osceola, Pocahontas, Sac, $1.06; Audubon, Boone, Calhoun, Carroll, Cerro Gordo, Cherokee, Clay, Crawford, Dickinson, Emmet, Floyd, Greene, Guthrie, Hamilton, Hancock, Humboldt, Kossuth, Monona, Palo Alto, Shelby, Sioux, Webster, Woodbury, Wright, $1.07; Adair, Adams, Bremer, Butler, Cass, Chickasaw, Dallas, Franklin, Fremont, Grundy, Hardin, Harrison, Howard, Jasper, Marshall, Mills, Mitchell, Montgomery, Page, Plymouth, Polk, Pottawattamie, Poweshiek, Ringgold, Story, Taylor, Union, Winnebago, Worth, $1.08; Allamakee, Black Hawk, Buchanan, Clarke, Clayton, Decatur, Fayette, Iowa, Lucas, Madison, Mahaska, Marion, Tama, Warren, Wayne, Winneshiek, $1.09; Appanoose, Benton, Delaware, Dubuque, Jefferson, Johnson, Keokuk, Linn, Monroe, Wapello, Washington, $1.10; Cedar, Clinton, Davis, Henry, Jackson, Jones, Louisa, Muscatine, Scott, Van Buren, $1.11; Des Moines, Lee, $1.12.

Kansas.—Republic, $1.07; Clay, Cloud, Jewell, Marshall, Phillips, Riley, Smith, Washington, $1.08; Brown, Decatur, Dickinson, Doniphan, Geary, Jackson, Mitchell, Nemaha, Norton, Osborne, Ottawa, Pottawatomie, Rooks, Shawnee, Wabaunsee, $1.09; Atchison, Chase, Cheyenne, Douglas, Ellis, Ellsworth, Graham, Jefferson, Lincoln, Lyon, McPherson, Marion, Morris, Osage, Rawlins, Russell, Saline, Sheridan, $1.10; Coffey, Franklin, Johnson, Leavenworth, Wyandotte, $1.11; Allen, Anderson, Bourbon, Linn, Miami, $1.12; all other counties, $1.13.

Kentucky.—Ballard, Carlisle, Crittendon, Fulton, Henderson, Hickman, Livingston, McCracken, Union, $1.21; Breckenridge, Carroll, Daviess, Gallatin, Hancock, Jefferson, Marshall, Meade, Oldham, Trimble, $1.22; Boone, Campbell, Graves, Kenton, Webster, $1.23; Calloway, $1.24; Bracken, Caldwell, Greenup, Hardin, Hopkins, Lewis, Lyon, McLean, Mason, $1.25; Boyd, Bullitt, Christian, Grayson, Henry, Muhlenberg, Ohio, Owen, Pendleton, Shelby, Todd, Trigg, $1.26; Grant, Logan, $1.27; Butler, Carter, Fleming, Franklin, Lawrence, Robertson, $1.28; Larue, Nelson, Simpson, Spencer, Warren, $1.29; Adair, Allen, Anderson, Barren, Bath, Cumberland, Elliott, Green, Harrison, Hart, Marion, Metcalfe, Monroe, Nicholas, Rowan, Scott, Taylor, Washington, Woodford, $1.30; Bourbon, Boyle, Casey, Clark, Clinton, Fayette, Garrard, Jessamine, Johnson, Lincoln, McCreary, Madison, Martin, Menifee, Mercer, Montgomery, Morgan, Pulaski, Russell, Wayne, $1.32; Bell, Breathitt, Clay, Estill, Floyd, Harlan, Jackson, Knott, Knox, Laurel, Lee, Leslie, Letcher, Magoffin, Owsley, Perry, Pike, Powell, Rockcastle, Whitley, Wolfe, $1.33.

Maryland.—All counties $1.30.

Michigan.—Berrien, Cass, St. Joseph, Van Buren, $1.16; Allegan, Barry, Branch, Cal-

houm, Hillsdale, Kalamazoo, Ottawa, $1.17; all other counties, $1.19.

Minnesota.—Nobles, Pipestone, Rock, $1.06; Big Stone, Jackson, Lac qui Parle, Lincoln, Lyon, Murray, Yellow Medicine, $1.07; Blue Earth, Brown, Chippewa, Cottonwood, Dodge, Faribault, Fillmore, Freeborn, Goodhue, Houston, Kandiyohi, Martin, Meeker, Mower, Nicollet, Olmsted, Redwood, Renville, Sibley, Steele, Stevens, Swift, Traverse, Wabasha, Waseca, Watonwan, Winona, $1.08; Douglas, Grant, Le Sueur, McLeod, Pope, Rice, Stearns, Wright, $1.09; all other counties, $1.10.

Missouri.—Atchison, Gentry, Grundy, Harrison, Holt, Mercer, Nodaway, Worth, $1.09; Andrew, Buchanan, Caldwell, Clinton, Daviess, De Kalb, Livington, Putnam, $1.10; Adair, Carroll, Charlton, Clay, Jackson, Linn, Macon, Platte, Ray, Schuyler, Sullivan, $1.11; Cass, Clark, Howard, Johnson, Knox, Lafayette, Monroe, Pettis, Randolph, Saline, Scotland, Shelby, $1.12; Audrain, Bates, Benton, Boone, Callaway, Cooper, Henry, Hickory, Lewis, Marion, Montgomery, Morgan, Pike, Ralls, St. Clair, Vernon, $1.13; Camden, Cole, Gasconade, Lincoln, Maries, Miller, Moniteau, Osage, Warren, $1.14; Crawford, Franklin, St. Charles, St. Louis, Washington, $1.15; Jefferson, St. Francois, Ste. Genevieve, $1.16; all other counties, $1.17.

Nebraska.—Antelope, Boone, Knox, Madison, Pierce, $1.05; Boyd, Cedar, Cuming, Garfield, Greeley, Hamilton, Holt, Merrick, Nance, Platte, Polk, Stanton, Thurston, Wayne, Wheeler, York, $1.06; Adams, Buffalo, Burt, Butler, Clay, Colfax, Dakota, Dixon, Dodge, Fillmore, Franklin, Hall, Howard, Kearney, Lancaster, Loup, Nuckolls, Rock, Saunders, Seward, Sherman, Thayer, Valley, Webster, $1.07; Blaine, Brown, Cass, Custer, Dawson, Douglas, Harlan, Jefferson, Keyapaha, Otoe, Phelps, Saline, Sarpy, Washington, $1.08; Cherry, Frontier, Furnas, Gage, Gosper, Hooker, Johnson, Lincoln, Logan, McPherson, Nemaha, Pawnee, Redwillow, Richardson, Thomas, $1.09; Arthur, Chase, Dundy, Grant, Hayes, Hitchcock, Keith, Perkins, $1.10; Deuel, Garden, Sheridan, $1.11; Banner, Box Butte, Cheyenne, Dawes, Kimball, Morrill, Scotts Bluff, Sioux, $1.12.

New Jersey.—All counties, $1.31.

New York.—All counties, $1.33.

North Carolina.—All counties, $1.32.

North Dakota.—Dickey, Richland, Sargent, $1.09; Ranson, $1.10; All other counties, $1.11.

Ohio.—Darke, Defiance, Mercer, Paulding, Preble, Van Wert, Williams, $1.17; Allen, Auglaize, Butler, Fulton, Hamilton, Henry, Miami, Montgomery, Putnam, Shelby, $1.18; Champaign, Clark, Clermont, Clinton, Fayette, Greene, Hancock, Hardin, Logan, Lucas, Union, Warren, Wood, $1.19; Adams, Brown, Crawford, Delaware, Franklin, Highland, Madison, Marion, Ottawa, Pickaway, Pike, Ross, Sandusky, Scioto, Seneca, Wyandotte, $1.20; Ashland, Erie, Fairfield, Hocking, Huron, Jackson, Knox, Lawrence, Licking, Morrow, Richland, Vinton, $1.21; Athens, Coshocton, Gallia, Holmes, Lorain, Medina, Meigs, Morgan, Muskingum, Perry, Wayne, $1.22; Cuyahoga, Guernsey, Noble, Stark, Summit, Tuscarawas, Washington, $1.23; Ashtabula, Belmont, Carroll, Columbiana, Geauga, Harrison, Jefferson, Lake, Mahoning, Monroe, Portage, Trumbull, $1.24.

Pennsylvania.—All counties, $1.30.

South Dakota.—Beadle, Bon Homme, Davison, Hanson, Hutchinson, McCook, Miner, Minnehaha, Sanborn, Turner, Yankton, $1.05; Aurora, Brookings, Clay, Douglas, Hand, Jerauld, Kingsbury, Lake, Lincoln, Moody, $1.06; Brule, Buffalo, Charles Mix, Clark, Codington, Deuel, Grant, Gregory, Hamlin, Hyde, Spink, Union, $1.07; Brown, Day, Edmunds, Faulk, Hughes, Lyman, Marshall, Mellette, Roberts, Sully, Todd, Tripp, $1.08; Armstrong, Bennett, Campbell, Haakon, Jackson, Jones, McPherson, Potter, Stanley, Walworth, Washabaugh, $1.09; Corson, Dewey, Meade, Pennington, Perkins, Shannon, Washington, Ziebach, $1.10; Butte, Custer, Fall River, Harding, Lawrence, $1.11.

Tennessee.—Lake, $1.21; Obion, $1.22; Dyer, Gibson, Lauderdale, Tipton, Weakley, $1.23; Carroll, Crockett, Fayette, Haywood, Henry, Madison, Shelby, $1.24; Chester, Hardeman, Henderson, $1.25; Benton, Cheatham, Decatur, Dickson, Hickman, Houston, Humphreys, McNairy, Montgomery, Perry, Stewart, $1.26; Davidson, Hardin, Lewis, Robertson, $1.27; Maury, Wayne, Williamson, $1.28; Lawrence, Marshall, Rutherford, Sumner, Trousdale, Wilson, $1.29; Bedford, Cannon, Clay, DeKalb, Giles, Jackson, Macon, Overton, Pickett, Putnam, Smith, Warren, White, $1.30; Bledsoe, Coffee, Cumberland, Fentress, Grundy, Lincoln, Moore, Van Buren, $1.31; Anderson, Campbell, Franklin, Marion, Morgan, Rhea, Roane, Scott, Sequatchie, $1.32; Bradley, Claiborne, Grainger, Hamblen, Hamilton, Hancock, Hawkins, Jefferson, Knox, Loudon, McMinn, Meigs, Union, $1.33; Blount, Carter, Cocke, Greene, Johnson, Monroe, Polk, Sevier, Sullivan, Unicoi, Washington, $1.34.

Virginia.—All counties, $1.32.

West Virginia.—Cabell, Mason, $1.25; Jackson, Pleasants, Wood, $1.26; Brooke, Hancock, Marshall, Ohio, Tyler, Wetzel, $1.27; Putnam, Wayne, $1.28; Lincoln, $1.30; All other counties, $1.32.

Wisconsin.—Buffalo, Crawford, Grant, La Crosse, Pepin, Pierce, Richland, Trempealeau, Vernon, $1.10; Chippewa, Dunn, Eau Claire, Iowa, Jackson, Lafayette, Monroe, St. Croix, $1.11; All other counties, $1.13.

Wyoming.—All counties, $1.12.

(b) *Settlement values.* (1) If corn grading No. 3 (or No. 4 on test weight only) is delivered by the producer in satisfaction of the loan credit will be given for the quantity of corn delivered at the loan value (i. e., the amount loaned on the corn at the applicable county loan rate)

(2) *Premiums.* If corn grading higher than No. 3 is delivered by the producer, the credit value shall be the loan value plus premiums as follows:

Grade No. 1—One cent (1¢) per bushel.
Grade No. 2—One-half cent (½¢) per bushel.

(3) *Discounts.* If corn grading lower than No. 3 (except No. 4 on test weight only) is delivered by the producer, the credit value shall be the loan value less the following discounts:

SCHEDULE OF DISCOUNTS FOR YELLOW, WHITE, AND MIXED CORN

Grade No. 4—One cent (1¢) per bushel.
Grade No. 5—Two cents (2¢) per bushel.

SAMPLE GRADE

Minimum test weight (pounds)	Moisture (percent)	Total damaged (percent)	Heat damaged (percent)	Discount rate per bushel (cents)
44	17.5	15.1-18.0	5	3
44	17.5	18.0-21.0	5	4
44	17.5	21.0-27.0	5	6
44	17.5	27.0-34.0	5	8
44	17.5	34.0-42.0	5	10

Any lot of corn which grades "sample" solely on account of stones and/or cinders or which is musty, or which has any commercially objectionable foreign odor, or cockle burrs, or rodent excreta, will be subject to a discount of one (1) cent per bushel. This one cent will be an additional discount if the corn otherwise grades "sample" due to any of the factors shown in the above schedule. Any lot of corn grading "weevily" will be subject to a discount of one-half (½) cent per bushel. This one-half cent discount will be in addition to any discount otherwise applicable.

Discounts will be determined by the Commodity Credit Corporation for all corn grading sour or heating or otherwise not coming within the classification of this schedule of discounts.

(4) If a lower quality or lesser quantity of corn than that stated in section 1 of the chattel mortgage is delivered by the producer and such lower quality or lesser quantity is due to physical loss or damage solely from an external cause other than vermin or conversion by the producer and without the fault or negligence of the producer, a credit value shall be allowed for the number of bushels of corn so lost or damaged equal to the amount of the loan on such corn.

§ 248.43 *Interest rate.* Loans shall bear interest at the rate of 3 percent per annum; and interest shall accrue from the date of disbursement of the loan, notwithstanding the printed provisions of the note.

§ 248.44 *Transfer of producer's equity.* The right of the producer to transfer either his right to redeem the commodity or his remaining interest may be restricted by Commodity Credit Corporation.

§ 248.45 *Safeguarding of the commodity.* The producer is obligated to maintain the farm storage structures in good repair and to keep the commodity in good condition.

§ 248.46 *Insurance.* Commodity Credit Corporation will not require the producer to insure the commodity placed under farm storage loan; however, if the producer does insure such commodity such insurance shall inure to the benefit of Commodity Credit Corporation to the extent of its interest, after first satisfying the producer's equity in the commodity involved in the loss.

§ 248.47 *Loss or damage to the commodity.* The producer is responsible for any loss in quantity or quality to farm-stored commodity, except that physical loss or damage occurring solely from an external cause, other than insect infestation or vermin, will unless insured, be assumed by the Corporation provided such loss has occurred without fault, negligence, or conversion on the part of the producer, and the producer has given the county committee immediate notice in writing of such loss or damage, and there has been no fraudulent representation made by the producer in the loan documents or in obtaining a loan.

§ 248.48 *Personal liability.* The making of any fraudulent representation by the producer in the loan documents or in obtaining the loan, or the conversion or unlawful disposition of any portion of the commodity by him, shall render the producer personally liable for the amount of the loan and for any resulting expense incurred by any holder of the note.

§ 248.49 *Maturity and satisfaction.* Loans mature on demand but not later

than September 1, 1947. The producer is required to pay off his loan on or before maturity date, or to deliver the mortgaged commodity within 60 days after maturity date. Credit will be given for the total quantity delivered, provided it was stored in the cribs or bins in which the commodity under loan was stored, at the applicable settlement rate, according to grade and/or quality. If the settlement value of the commodity delivered exceeds the amount due on the loan, the amount of the excess shall be paid to the producer. If the settlement value of the commodity is less than the amount due on the loan, the amount of the deficieney, plus interest, shall be paid by the producer to the Corporation, and may be set off against any payment which would otherwise be made to the producer under any agricultural programs administered by the Secretary of Agriculture, or any other payments which are due or may become due to the producer from Commodity Credit Corporation or any other agency of the United States. In the event the farm is sold or there is a change of tenancy, the commodity may be delivered before the maturity date of the loan upon prior approval by the county committee.

§ 248.50 *Removal of the commodity.* If the loan is not satisfied upon maturity by payment or delivery, the holder of the note may remove the commodity and sell it, either by separate contract or after pooling it with other lots of the same commodity similarly held. The producer has no right of redemption after the commodity is pooled, but shall share ratably in any overplus remaining upon liquidation of the pool. The Commodity Credit Corporation shall have the right to treat a pooled commodity as a reserve supply to be marketed under such sales policies as the Corporation determines will promote orderly marketing, protect the interests of producers and consumers, and not unduly impair the market for the current crop of the commodity, even though part or all of such pooled commodity is disposed of under such policies at prices less than the current domestic price for such commodity. Any sum due the producer as a result of the sale of the commodity or of insurance proceeds thereon, or any ratable share resulting from the liquidation of a pool, shall be payable only to the producer without right of assignment by him.

§ 248.51 *Release of the commodity.* A producer may obtain release of the commodity by paying to the holder of the note, the principal amount thereof, plus interest. If the note is held by an out-of-town lending agency or by Commodity Credit Corporation, the producer may request that the note be forwarded to a local bank for collection. In such case, where Commodity Credit Corporation is the holder of the note, the local bank will be instructed to return the note if payment is not effected within 15 days. All charges in connection with the collection of the note shall be paid by the producer. Upon payment of a farm storage loan, the county committee should be requested to release the mortgage by filing an instrument of release or by a marginal release on the county records. Partial releases of the commodity may be arranged with the county committee by paying to the holder of the note the amount of the loan, plus charges and accrued interest, represented by the quantity of the commodity to be released.

§ 248.52 *Purchase of notes.* Commodity Credit Corporation will purchase, from approved lending agencies, notes evidencing approved loans which are secured by chattel mortgages or negotiable warehouse receipts. The purchase price to be paid by Commodity Credit Corporation will be the principal sums remaining due on such notes, plus accrued interest from the date of disbursement to the date of purchase at the rate of 1½ percent per annum. Lending agencies are required to submit a weekly report to the Corporation and to the county committees on 1940 C. C. C. Form F or such other form as the Corporation may prescribe, of all payments received on producer's notes held by them, and are required to remit promptly to Commodity Credit Corporation an amount equivalent to 1½ percent interest per annum, on the amount of the principal collected, from the date of disbursement to the date of payment. Lending agencies should submit notes and reports to the Grain Branch office serving the area.

§ 248.53 *Office of Grain Branch.* The address of the Office of the Grain Branch administering this loan program is 208 South LaSalle Street, Chicago 4, Illinois.

Approved: November 18, 1946.

[SEAL] C. C. FARRINGTON,
Vice President,
Commodity Credit Corporation.

[F. R. Doc. 47-2148; Filed, Mar. 7, 1947; 8:45 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

[Grapefruit Reg. 84]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.336 *Grapefruit Regulation 84*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and the order, as amended (7 CFR, Cum. Supp., 933.1 et seq., 11 F R. 9471) regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order* (1) During the period beginning at 12:01 a. m., e. s. t., March 10, 1947, and ending at 12:01 a. m., e. s. t., March 17, 1947, no handler shall ship:

(i) Any grapefruit of any variety, grown in the State of Florida, which grade U. S. No. 3, or lower than U. S. No. 3 grade (as such grades are defined in the United States standards for citrus fruits, as amended (11 F R. 13239; 12 F R. 1)),

(ii) Any seeded grapefruit, other than pink grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid amended United States standards) in a standard box (as such box is defined in the standards for containers for citrus fruit established by the Florida Citrus Commission pursuant to section 3 of Chapter 20449, Laws of Florida, acts of 1941 (Florida Laws Annotated § 595.09))

(iii) Any seedless grapefruit, other than pink grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid amended United States standards) in a standard box (as such box is defined in the aforesaid standards for containers for citrus fruit), or

(iv) Any pink grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 126 grapefruit, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid amended United States standards), in a standard box (as such box is defined in the aforesaid standards for containers for citrus fruit)

(2) As used in this section, "variety," "handler," and "ship" shall have the same meaning as is given to each such term in said amended marketing agreement and order. (48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 6th day of March 1947.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Branch.

[F. R. Doc. 47-2265; Filed, Mar. 7, 1947; 10:11 a. m.]

[Orange Reg. 113]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.337 *Orange Regulation 113*—(a) *Findings.* (1) Pursuant to the amended marketing agreement and the order, as amended (7 CFR, Cum. Supp.,

933.1 et seq., 11 F. R. 9471) regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., March 10, 1947, and ending at 12:01 a. m., e. s. t., March 17, 1947, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida, which grade U. S. No. 2, as such grade is defined in the United States standards for citrus fruits, as amended (11 F. R. 13239; 12 F. R. 1), if more than one-half of the surface in the aggregate is affected with discoloration;

(ii) Any oranges, except Temple oranges, grown in the State of Florida, which grade U. S. Combination Russet, U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade, as such grades are defined in the aforesaid amended United States standards;

(iii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size smaller than a size that will pack 288 oranges, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid amended United States standards) in a standard box (as such box is defined in the standards for containers for citrus fruit established by the Florida Citrus Commission pursuant to section 3 of Chapter 20449, Laws of Florida, acts of 1941 (Florida Laws Annotated § 595.09))

(iv) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size larger than a size that will pack 126 oranges, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid amended United States standards) in a standard box (as such box is defined in the aforesaid standards for containers for citrus fruit) or

(v) Any Temple oranges, grown in the State of Florida, which grade U. S. No. 3 or lower than U. S. No. 3, as such grades are defined in the aforesaid amended United States standards.

(2) As used in this section, "handler" and "ship" shall have the same meaning as is given to each such term in said amended marketing agreement and order. (48 Stat. 31, 670, 675; 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 6th day of March 1947.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Branch.

[F. R. Doc. 47-2263; Filed, Mar. 7, 1947; 10:10 a. m.]

[Lemon Reg. 212]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.319 *Lemon Regulation 212*—(a) *Findings.* (1) Pursuant to the marketing agreement and the order (7 CFR, Cum. Supp., 953.1 et seq.) regulating the handling of lemons grown in the State of California or in the State of Arizona, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess., 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., p. s. t., March 9, 1947, and ending at 12:01 a. m., p. s. t., March 16, 1947, is hereby fixed at 325 carloads, or an equivalent quantity.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 211 (12 F. R. 1433) and made a part hereof by this reference. The Lemon Administrative Committee, in accordance with the provisions of the said marketing agreement and order, shall calculate the quantity of lemons which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such word in the said marketing agreement and order. (48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 6th day of March 1947.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Branch.

[F. R. Doc. 47-2264; Filed, Mar. 7, 1947; 10:11 a. m.]

[Orange Reg. 163]

PART 966—ORANGES GROWN, CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.314 *Orange Regulation 163*—(a) *Findings.* (1) Pursuant to the provisions of the order (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess., 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., March 9, 1947, and ending at 12:01 a. m., P. s. t., March 16, 1947, is hereby fixed as follows:

(i) *Valencia oranges.* (a) Prorate Districts Nos. 1 and 2, no movement; and (b) Prorate District No. 3, unlimited movement.

(ii) *Oranges other than Valencia oranges.* (a) Prorate District No. 1, unlimited movement; (b) Prorate District No. 2, 1300 carloads; and (c) Prorate District No. 3, unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference. The Orange Administrative Committee, in accordance with the provisions of the said order, shall calculate the quantity of oranges which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said order; and "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as is given to each such term in § 966.107 of the rules and regulations (11 F. R. 10258) issued pursuant to said order. (48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 6th day of March 1947.

[SEAL] S. R. SMITH,
Director
Fruit and Vegetable Branch.

PRORATE BASE SCHEDULE

[12:01 a. m. Mar. 9, 1947 to 12:01 a. m. Mar. 16, 1947]

ALL ORANGES OTHER THAN VALENCIA ORANGES

Prorate District No. 2

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Alta Loma	.3453
A. F. G. Fullerton	.0509
A. F. G. Orange	.0558
A. F. G. Redlands	.3559
A. F. G. Riverside	.8581
Corona Plantation Co	1.0061
Hazeltine Packing Co	.1024
Signal Fruit Association	7766
Azusa Citrus Association	1.0436
Azusa Orange Co., Inc	.1716
Damerel-Allison Co	1.2254
Glendora Mutual Orange Association	.5289
Irwindale Citrus Association	.3594
Puente Mutual Citrus Association	.0491
Valencia Heights Orchards Association	.2316
Glendora Citrus Association	.8150
Glendora Heights O. & L. Growers Association	.2097
Gold Buckle Association	3.4687
La Verne Orange Association, The	3.3784
Anaheim Citrus Fruit Association	.0562
Anaheim Valencia Orange Association	.0000
Eadington Fruit Co., Inc	.3169
Fullerton Mutual Orange Association	.2742
La Habra Citrus Association	.0683
Orange County Valencia Association	.0238
Orangethorpe Citrus Association	.0240
Placentia Coop. Orange Association	.0000
Yorba Linda Citrus Association, The	.0138
Alta Loma Heights Citrus Association	.3962
Citrus Fruit Growers	7478
Cucamonga Citrus Association	6365
Etiwanda Citrus Fruit Association	.2264
Mountain View Fruit Association	.1629
Old Baldy Citrus Association	4442
Rialto Heights Orange Growers	4408
Upland Citrus Association	2.2921
Upland Heights Orange Association	1.0557
Consolidated Orange Growers	.0000
Garden Grove Citrus Association	0250
Goldenwest Citrus Association, The	0384
Olive Heights Citrus Association	.0384
Santa Ana-Tustin Mutual Citrus Association	.0000
Santiago Orange Growers Association	.1672
Tustin Hills Citrus Association	.0000
Villa Park Orchards Association, Inc., The	.0393
Bradford Bros., Inc	.2148
Placentia Mutual Orange Association	0.0000
Placentia Orange Growers Association	.3001
Call Ranch	.6629
Corona Citrus Association	7895
Jameson Co	.3586
Orange Heights Orange Association	.9043
Break & Son, Allen	.2831
Bryn Mawr Fruit Growers Association	1.0954
Crafton Orange Growers Association	1.3980
E. Highlands Citrus Association	4260
Fontana Citrus Association	.4464
Highland Fruit Growers Association	.6873
Krinard Packing Co	1.4969
Mission Citrus Association	.8040
Redlands Cooperative Fruit Association	1.7739
Redlands Heights Groves	.9327
Redlands Orange Growers Association	1.1990
Redlands Orangedale Association	.9842
Redlands Select Groves	.5483
Rialto Citrus Association	.5726
Rialto Orange Co	.3747
Southern Citrus Association	1.0024
United Citrus Growers	7623
Zilen Citrus Co	.8860
Arlington Heights Fruit Co	4856
Brown Estate, L. V. W	1.7986
Gavilan Citrus Association	1.7134
Hemet Mutual Groves	.3428
Highgrove Fruit Association	.6910
McDermont Fruit Co	1.6849
Mentone Heights Association	7953
Monte Vista Citrus Association	1.1608
National Orange Co	.8664
Riverside Heights Orange Growers Association	1.2579
Sierra Vista Packing Association	7051
Victoria Avenue Citrus Association	2.3890
Claremont Citrus Association	1.0083
College Heights O. & L. Association	1.0467
El Camino Valley Citrus Association	.5306
Indian Hill Citrus Association	1.1578
Pomona Fruit Growers Association	2.0683
Walnut Fruit Growers Association	4401
West Ontario Citrus Association	1.5822
El Cajon Valley Citrus Association	.3806
Escondido Orange Association	.5631
San Dimas Orange Growers Association	1.0776
Covina Citrus Association	1.5227
Covina Orange Growers Association	.5683
Duarte-Monrovia Fruit Exchange	.4564
Ball & Tweedy Association	.0000
Canoga Citrus Association	.0700
N. Whittier Heights Citrus Association	.1164
San Fernando Fruit Growers Association	.3099
San Fernando Heights Orange Association	.3668
Sierra Madre Lamanda Citrus Association	.2471
Camarillo Citrus Association	.0098
Fillmore Citrus Association	1.3853
Ojai Orange Association	1.0145
Piru Citrus Association	1.4398
Santa Paula Orange Association	.1147
Tapo Citrus Association	.0111
East Whittier Citrus Association	.0169
Whittier Citrus Association	.3165
Whittier Select Citrus Association	.0241
Anaheim Cooperative Orange Association	.0000
Bryn Mawr Mutual Orange Association	.4918
Chula Vista Mutual Lemon Association	.1484
Escondido Cooperative Citrus Association	0.1023
Euclid Avenue Orange Association	2.1355
Foothill Citrus Union, Inc	.1553
Fullerton Cooperative Orange Association	.0407
Garden Grove Orange Cooperative	.0390
Glendora Cooperative Citrus Association	.0911
Golden Orange Groves, Inc	.4156
Highland Mutual Groves, Inc	.4250
Index Mutual Association	.0000
La Verne Cooperative Citrus Association	2.4809
Olive Hillside Groves, Inc	.0000
Orange Cooperative Citrus Association	.0456
Redlands Foothill Groves	2.1812
Redlands Mutual Orange Association	1.0262
Riverside Citrus Association	.3836
Ventura County O. & L. Association	.3183
Whittier Mutual O. & L. Association	.0000
Babijuice Corp. of California	.4034
Banks Fruit Co	.2636
California Fruit Distributors	0495
Cherokee Citrus Co., Inc	1.0171
Chess Co., Meyer W	.3872
Evans Brothers Packing Co	7094
Gold Banner Association	1.9402
Granada Hills Packing Co	.0231
Granada Packing House	7097
Hill, Fred A	.7228
Inland Fruit Dealers, Inc	.2110
Orange Belt Fruit Distributors	2.3954
Panno Fruit Co., Carlo	.0712
Paramount Citrus Association	.2045
Riverside Growers, Inc	.3350
San Antonio Orchards Association	1.3051
Snyder & Sons Co., W. A	.9295
Torn Ranch	.0490
Verity & Sons Co., R. H	.1247
Wall, E. T	1.6084
Western Fruit Growers, Inc., Redlands	2.8319
Yorba Orange Growers Association	.0341

[F. R. Doc. 47-2266; Filed, Mar. 7, 1947; 10:11 a. m.]

TITLE 20—EMPLOYEE'S BENEFITS

Chapter II—Railroad Retirement Board

PART 208—ELIGIBILITY FOR AN ANNUITY

CURRENT CONNECTION WITH RAILROAD INDUSTRY; SELF-EMPLOYMENT

Pursuant to the general authority contained in section 10 of the act of June 24, 1937 (Sec. 10, 50 Stat. 314; 45 U.S.C. 228j), Part 208 of the Regulations of the Railroad Retirement Board under such act (4 F.R. 1477, 12 F.R. 859) is amended by adding § 208.5, as follows:

§ 208.5 *Current connection with the railroad industry; (self-employment)* For the purposes of this part, § 225.8, and Part 237 of this chapter, in determining whether an individual had a "current connection with the railroad industry," self-employment shall not be considered "regular employment." (For statutory provision see Part 237 of this

chapter) Sec. 10, 50 Stat. 314; sec. 203, Pub. Law 572 79th Cong., 45 U.S.C. 228j.

Dated: February 28, 1947.

By authority of the Board.

[SEAL] MARY B. LINKINS,
Secretary of the Board.

[F. R. Doc. 47-2147; Filed, Mar. 7, 1947; 8:47 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—Office of Temporary Controls, Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, Pub. Laws 388 and 475, 79th Cong.; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9599, 10 F. R. 10155; E. O. 9638, 10 F. R. 12591; C. P. A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug. 27, 1946, 11 F. R. 9507; E. O. 9809, Dec. 12, 1946, 11 F. R. 14281; OTC Reg. 1, 11 F. R. 14311.

PART 1010—SUSPENSION ORDERS

[Suspension Order S-1115]

JOSEPH ZUCKERBERG AND CELIA ZUCKERBERG

Joseph Zuckerberg and Celia Zuckerberg are the owners of a building located at 110-116 Broadway, Providence, Rhode Island, and at that address conduct a business under the name of Arrow Glass and Supply Company. Sometime in July, 1946 Joseph Zuckerberg and Celia Zuckerberg began construction of a cinder block addition to the rear of this building on property owned by them and located at Nos. 2-4-6 Shepard Street, Providence, Rhode Island, at an estimated cost substantially in excess of $1,000, without authorization from the Civilian Production Administration. The beginning and carrying on of this construction without authorization from the Civilian Production Administration constituted a wilful violaton by Joseph Zuckerberg and Celia Zuckerberg, for whom her husband, Joseph Zuckerberg, was acting as agent. This violation diverted critical materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.1115 *Suspension Order No. S-1115.* (a) The temporary suspension order issued against Joseph and Celia Zuckerberg, doing business as Arrow Glass and Supply Company, by telegram dated December 11, 1946, is hereby revoked.

(b) Neither Joseph Zuckerberg nor Celia Zuckerberg, their successors or assigns, nor any other person shall do any further construction on the cinder block addition to the building at 110-116 Broadway, Providence, Rhode Island, which addition itself is numbered 2-4-6 Shepard Street, Providence, Rhode Island, including completing, putting up, or altering of any structure located thereon unless hereafter specifically authorized in writing by the Civilian Production Administration.

(c) The provisions of paragraph (b) shall not apply to such construction as is specifically authorized by the Civilian Production Administration under Serial No. 1-6-752 to prevent deterioration of materials already incorporated into the structure.

(d) Joseph Zuckerberg and Celia Zuckerberg shall refer to this order in any application or appeal which they may file with the Civilian Production Administration for authorization to carry on construction.

(e) Nothing contained in this order shall be deemed to relieve Joseph Zuckerberg and Celia Zuckerberg, their successors or assigns, from any restriction, prohibition, or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 7th day of March 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-2301; Filed, Mar. 7, 1947; 11:15 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-1114]

CHARLES G. IMBURGIA

Charles G. Imburgia, 656 Porter Street, Warren, Ohio, without authorization of the Civilian Production Administration, on or about April 24, 1946 began construction, and thereafter carried on construction from April 24, 1946 to June 13, 1946 and from December 23, 1946 to January 7, 1947, of a commercial building to be used as an automobile repair shop and for storage and sale of used automobiles, located at 2416 Youngstown Road, S. E. Warren, Ohio, the estimated cost of which construction was $13,000. The beginning of construction and the carrying on of construction as aforesaid constituted a grossly negligent violation of Veterans' Housing Program Order No. 1. This violation has diverted critical materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.1114 *Suspension Order No. S-1114.* (a) Neither Charles G. Imburgia, his successors or assigns, nor any other person shall do any further construction on the building located at 2416 Youngstown Road, S. E. Warren, Ohio, including putting up, completing, or altering the structure, unless hereafter authorized in writing by the Civilian Production Administration.

(b) Charles G. Imburgia shall refer to this order in any application or appeal which he may file with the Civilian Production Administration for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Charles G. Imburgia, his successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 7th day of March 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-2300; Filed, Mar. 7, 1947; 11:15 a. m.]

PART 3270—CONTAINERS

[Conservation Order M-81, as Amended December 27, 1946, Amdt. 1]

CANS

Section 3270.31 Conservation Order M-81 is hereby amended in the following respects:

1. Paragraph (a) is amended by substituting a comma and the words "or limits can sizes" for the period following the words "sets any quotas" in the 8th line of the paragraph.

2. Paragraph (e) is amended by deleting the words "size and" in the 5th line of the paragraph.

3. Paragraph (f) (1) is amended by deleting the words "sizes or" in the 3d line of the paragraph.

4. Schedule I is amended by deleting the 2d paragraph at the head of the Schedule relating to "Column 2. Can sizes," and by deleting Column 2 and all can sizes indicated thereunder from the body of the schedule.

Issued this 7th day of March 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-2299; Filed, Mar. 7, 1947; 11:15 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 3—ADJUDICATION; DISALLOWANCE AND AWARDS

MISCELLANEOUS AMENDMENTS

The following amendments are made to Part 3:

§ 3.1223 *Computation of annual income for the purposes of § 35.013 of this chapter or section 1 (c) of Public No. 198, 76th Congress (Act of July 19, 1939) as amended.* (a) The annual income in any case coming within the purview of § 35.013 of this chapter, or section 1 (c) of Public No. 198, 76th Congress (Act of July 19, 1939) as amended by section 11, Public Law 144, 78th Congress, will be computed on the basis of the total annual income for the entire current calendar year. However, where the equities indicate, such annual income may be computed monthly on the basis of the rate of income for the current year. Under any method of calculation the question is whether the actual in-

come for the calendar year exceeds the statutory income limitation. For example:

(1) When a claim is filed and the income for the unexpired portion of the calendar year (from the date the veteran became permanently and totally disabled or, in the case of a widow, from the date of the veteran's death) is proportionately less than the statutory limitation, benefits may be awarded if otherwise in order. (A. D. 609 and A. D. 705.) Likewise, in any case in which pension is payable for a widow and child and the widow's status changes so that she becomes a widow without a child, the widow's income shall be calculated on a proportionate basis for the remaining portion of the calendar year.

(2) Where the income on the date of filing claim exceeds the proportionate rate of the statutory limitation, the claim will be disallowed.

No change in (3) to (5), inclusive.

(6) Where the receipt of a lump sum payment or of several installment payments coming within the definition of the term "annual income," for the purposes of § 35.013 (b) of this chapter, or section 1 (c), of Public No. 198, 76th Congress (Act of July 19, 1939) as amended, results in the disallowance or discontinuance of benefits the payment or restoration of such benefits, if otherwise in order, will be authorized as of the first day of the calendar year following that in which payments were received exceeding the limits fixed by that regulation. (A. D. 454) See § 5.2548 (e) of this chapter. (57 Stat. 554–560)

(b) In determining annual income any payments by the United States Government because of disability or death under laws administered by the Veterans' Administration mustering-out pay and payments under the World War Adjusted Compensation Act, as amended, and the Adjusted Compensation Payment Act, 1936 (Public No. 425, 74th Cong.) will not be considered in determining the amount of "annual income" for the purposes of § 35.013 (b) (1) of this chapter (Public, No. 844, 74th Cong.) or section 1 (c), of Public, No. 198, 76th Congress (Act of July 19, 1939) as amended by section 11, Public Law 144, 78th Congress. Overtime compensation or additional compensation to Government employees under Public Law 49, 78th Congress, or amounts payable under Public Laws 106 and 390, 79th Congress, other than increases in basic rates of compensation, which the act expressly provides shall be considered a part of basic compensation, shall not be considered in determining the amount of a person's annual income or annual rate of compensation for the purposes of § 35.013 (b) (1) of this chapter, as amended. For these purposes, however, payments such as family allowances under Public Law 625, 77th Congress (A. D. 521) subsistence allowances under Title II, Public Law 346, 78th Congress (A. D. 718), lump sums or instalments of life, disability, accident, health or similar insurance from other sources, compensation paid by the United States Employees Compensation Commission or a State compensation or industrial board or commission, Civil Service retirement annuity, Social Security benefits, Railroad Retirement benefits, proceeds of bequests and inheritances received in the settlement of estates or gifts will be considered as constituting "annual income," *Provided*, That no part of the payments received under an annuity will be considered as annual income until the full amount of the consideration has been received by the annuitant (after which the full amount of such annuity payments will be considered as annual income), That amounts received on endowment insurance will not be considered as "annual income" until the amount paid equals the aggregate premiums; That no part of Federal Old-Age and Survivors Insurance payments or Railroad Retirement benefits received by a former worker will be considered as annual income until the full amount of his personal contribution (as distinguished from amounts contributed by the employer and not by the worker) has been received by him, after which the full amount of the benefits received by the former worker will be considered as annual income; That such benefits received by a widow on the basis of her husband's employment will be considered as annual income; *Provided further*, That property received by inheritance or otherwise will not be considered as "annual income" until such property, or other property acquired in lieu thereof, by exchange or barter, has been converted into cash. Income for the purpose of barring rights to pension will mean total income from sources such as wages, salaries, bonuses (except World War Adjusted Compensation) earnings, emoluments, investments or rents from whatever source derived or income from a business or profession. In computing income, the gross income derived from a business or profession may be reduced by the necessary expenses of carrying on the same, such as cost of goods sold or expenditures for rent, repairs, taxes, upkeep, and other operating expenses. (A. D. 366) (59 Stat. 295, 60 Stat. 216)

(c) The 5 percent deducted from the basic salary of a Civil Service employee as provided in the Civil Service Retirement Act, as amended, income taxes withheld and amounts payable under Public Laws 106 and 390, 79th Congress, other than overtime pay, are to be considered as salary for the purposes of section 30, Public No. 141, 73d Congress, § 35.013 of this chapter, or section 1 (c) of Public No. 198, 76th Congress (Act of July 19, 1939) as amended, i. e., the salary of the employee is not determined by the amount he actually receives in cash, but includes deductions made by virtue of the Civil Service Retirement Act and individual income tax acts. The value of salary received in kind also constitutes income. (Sec. 1, 4, 48 Stat. 8, 9, 53 Stat. 1068–1070, 57 Stat. 554–560; 38 U. S. C. 503, 701, 704)

§ 3.1229 *Discontinuance and restoration of benefits under § 35.10, as amended by reason of Federal employment.* [Canceled March 4, 1947.]

§ 3.1235 *Statutory awards, section 202, World War Veterans' Act, 1924, as amended, as reenacted by Public No. 141, 73d Congress.* The statutory awards provided in section 202 of the World War Veterans' Act, 1924, as amended, are payable under section 27 or 28, Title III, Public No. 141, 73d Congress, as follows:

No change in (a)

No change in (b) (1) or (2)

(3) Third paragraph, the additional compensation of $30 monthly for the loss of the use of a creative organ or the additional compensation of $42 monthly for the loss of the use of one or more feet or hands, independent of any other compensation. (Public No. 866, 76th Congress, and Public Law 662, 79th Congress)

(c) Under section 202 (5), an allowance not exceeding $60 per month for a nurse or attendant.

(d) Under section 202 (7), an award of not less than $60 per month to a person shown to have had an active tuberculous disease of a compensable degree which has reached a condition of complete arrest; and compensation under the minimum rating of 25 percent for arrested or apparently cured tuberculosis. (60 Stat. 908)

No change in (e)

(43 Stat. 618, 619, 48 Stat. 524, 54 Stat. 1196; 38 U. S. C. 471a, 473, 473a, 476, 478, 480, 722)

SPECIAL MONTHLY COMPENSATION SPECIFIED BY OR FIXED PURSUANT TO PARAGRAPH (b), §§ 35.011 AND 35.012 OF THIS CHAPTER, AS AMENDED BY PUBLIC LAWS 182, 650, 662, 79TH CONGRESS

§ 3.1236 *Special monthly compensation provided by paragraphs (b) (11), §§ 35.011 and 35.012 of this chapter*—(a) *Applicability.* The special monthly compensation provided by paragraphs (b), (11), §§ 35.011 and 35.012 of this chapter, as amended, is applicable but once in any one case, when payable in addition to the compensation provided in paragraphs (b) (1) to (10), §§ 35.011 and 35.012 of this chapter. In other words, if the veteran has suffered the anatomical loss of one eye and one hand his monthly compensation under Public No. 2, 73d Congress, as amended, will be increased by $42 and not by $84 or by $31.50 and not by $63, if the disabilities were incurred in wartime service or peacetime service, respectively. The additional allowance may be based upon an anatomical loss or loss of use included in the requirements for the basic rate. The additional allowances under paragraphs (b) (11), §§ 35.011 and 35.012 of this chapter are now payable in addition to compensation payable under paragraphs (b) (12) to (14) §§ 35.011 and 35.012 of this chapter, and such additional allowance is payable for each anatomical loss, loss of use, or blindness of one eye having only light perception, when existing in addition to the requirements for these basic rates; *Provided*, The total does not exceed $360 in § 35.011 of this chapter cases or $270 in § 35.012 of this chapter cases. For example, a war veteran who has suffered the loss of use of both hands, one foot and one eye (light perception only) will be compensated at $240 plus two allowances of $42 each or $324 under the second part of paragraphs (b) (11), §§ 35.011 and 35.012 of this chapter.

(b) *Helplessness.* (1) The maximum rate, as a result of including helplessness as one of the entitling multiple disabilities, is intended to cover, in addition to obvious losses and blindness, conditions such as transverse myelitis with loss of use of both legs and loss of anal and bladder sphincter control; also the loss of use of two extremities with absolute deafness and nearly total blindness, or with severe multiple injuries producing total disability outside the useless extremities, these conditions being construed as loss of use of two extremities and helplessness.

(2) The rate of $282 provided under paragraphs (b) (13), §§ 35.011 and 35.012 of this chapter, on account of helplessness requiring regular aid and attendance applies only in cases entitled on account of blindness of both eyes. A veteran having suffered the loss, or loss of use of both hands, feet, or one hand and one foot, and having no other compensable disability, will be rated according to the level of amputation or loss of use; entitlement to a higher rate on account of helplessness requiring regular aid and attendance must be based on such need resulting from pathology other than the anatomical loss or loss of use of two extremities; when so based; i. e., upon pathology other than the anatomical loss or loss of use of two extremities, the rate will uniformly be $360 (or $270) monthly.

(c) *Intermediate rates fixed pursuant to law.* The authority contained in paragraphs (b) (16) §§ 35.011 and 35.012 of this chapter, to allow the next higher rate or an intermediate rate will be administered as follows:

(1) With the anatomical loss, or loss of use, of one hand or one foot, and anatomical loss, or loss of use, of another extremity at a level or with complications preventing natural elbow or knee action with prosthesis in place, the rate will be $261 (or $195.75)

(2) With the anatomical loss, or loss of use, of one extremity at a level or with complications preventing natural elbow or knee action with prosthesis in place, and the anatomical loss of another extremity so near the shoulder or hip as to prevent the use of a prosthetic appliance, the rate will be $300 (or $225)

(3) With the anatomical loss, or loss of use, of one hand or one foot, and the anatomical loss of another extremity so near the shoulder or hip as to prevent the use of a prosthetic appliance, the rate will be $282 (or $211.50)

(4) With the requirements for any of the rates provided in paragraphs (b) (12) to (14), §§ 35.011 and 35.012 of this chapter, and additional disability independently ratable at 50% or more, the rate will be intermediate; i. e., half-way, between the rate authorized for the paragraph whose requirements are met, and the next higher rate authorized in paragraphs (b) (13) to (15) §§ 35.011 and 35.012 of this chapter.

(5) With the requirements for any of the rates provided in paragraphs (b) (12) to (14) §§ 35.011 and 35.012 of this chapter, and additional disability independently ratable, apart from any consideration of individual unemployability, at 100%, the rate will be the next higher rate authorized in paragraphs (b) (13) to (15) §§ 35.011 and 35.012 of this chapter.

(6) Other cases in which any of the rates are deemed inadequate will be handled in accordance with § 2.1142 of this chapter.

(d) *Ratings for specific conditions—(1) Rating of binocular blindness of different degrees.* (i) With blindness of one eye with 5/200 visual acuity or less, and blindness of the other eye having only light perception, the rate will be $261 (or $195.75).

(ii) With blindness of one eye having only light perception, and anatomical loss, or blindness, having no light perception accompanied by phthisis bulbi, evisceration, or other obvious deformity or disfigurement, of the other eye, the rate will be $300 (or $225)

(iii) With blindness of one eye having 5/200 visual acuity or less, and anatomical loss, or blindness, having no light perception accompanied by phthisis bulbi, evisceration, or other obvious deformity or disfigurement, of the other eye, the rate will be $282 (or $211.50).

(2) *Rating of blindness of both eyes having no light perception.* The rate under paragraphs (b) (14) §§ 35.011 and 35.012 of this chapter, $318 (or $238.50) per month, will be assigned when there is a total blindness of both eyes having no light perception accompanied by phthisis bulbi, evisceration or other obvious deformity or disfigurement.

(3) *Entitlement under paragraphs (b) (15) §§ 35.011 and 35.012 of this chapter.* Entitlement to the maximum rate of $360 (or $270) per month on account of entitlement to two of the rates provided in one or more of paragraphs (b) (12) to (14) §§ 35.011 and 35.012 of this chapter, must be based upon separate and distinct disabilities so entitling.

If the loss, or loss of use of two extremities or being permanently bedridden renders the person helpless, increase to $360 (or $270) per month is not in order on account of this helplessness. Under no circumstances will the combination of "being permanently bedridden" and "being so helpless as to require regular aid and attendance" without separate and distinct anatomical loss, or loss of use of two extremities, or blindness, be taken as entitling to $360 (or $270) per month. The fact, however, that two separate and distinct entitling disabilities, such as anatomical loss or loss of use of both hands and of both feet result from a common etiological agent, for example, one injury, or rheumatoid arthritis, will not preclude entitlement to the maximum rate. (59 Stat. 533, 60 Stat. 904, 60 Stat. 908) (Sec. 1, 48 Stat. 8, 53 Stat. 1070; 38 U. S. C. 701, Ch. 12a)

§ 3.1237 *Additional allowance for nurse or attendant*—(a) *General provisions.* If and while a veteran is so helpless on account of a service-connected compensable condition as to be in need of a nurse or attendant (see §§ 2.1176, 2.1177 and 2.1178 of this chapter) there will be allowed in addition to the compensation payable under Title III, Public No. 141, 73d Congress, the sum of $50 per month on and after March 28, 1934, or $60 per month on or after September 1, 1946, or an increased statutory rate under Public No. 2, 73d Congress, as amended.

(b) *Reductions during hospitalization.* Where a veteran in receipt of additional or increased compensation based upon the need for a nurse or attendant, regular aid or attendance, or frequent and periodical aid or attendance, other than on account of transverse myelitis or paraplegia involving paralysis of both lower extremities together with loss of anal and bladder sphincter control, as a result of severe traumatic lesions of the the spinal cord, is being furnished hospital treatment, institutional or domiciliary care by the Veterans' Administration and is being furnished with nursing or attendant's service, the award of compensation will be the amount authorized by the rating decision exclusive of any additional or increased amount on account of the need for a nurse or attendant, regular aid and attendance, or frequent and periodical aid and attendance. (A. D. 201) In the excepted case a uniform rate of $360 (or $270) per month will be maintained, without deduction on account of being furnished aid and attendance in kind. Due to the different additional amount to which veterans may be entitled under Public Law 182, 79th Congress, as amended, on account of helplessness requiring regular aid and attendance, and consequent different amounts of reductions when being furnished regular aid and attendance in kind, when institutionalized by the Veterans' Administration, married, and having dependents, it is necessary to give careful attention to the exact basis of entitlement:

(1) The general rule as to reductions of special monthly compensation of $240 (or $180) per month or more based upon the need for regular aid and attendance when the veteran, married or having dependents, is being furnished nursing or attendant's service while receiving hospital treatment, institutional or domiciliary care by the Veterans' Administration is that reduction will be in the additional amount based upon the need for regular aid or attendance.

(2) In determining the rate of special monthly compensation first consideration will be given to anatomical loss or losses of use of extremities, blindness, having 5/200 visual acuity or less, anatomical loss of both eyes, or being permanently bedridden, and if, based on these considerations, there is entitlement to one of the rates under paragraphs (b) (12) (13) or (14) §§ 35.011 and 35.012 of this chapter, or to two of these rates entitling under paragraphs (b) (15), §§ 35.011 and 35.012 of this chapter, no reduction is in order on account of being furnished nursing or attendant's service. If there is such entitlement based on these enumerated conditions, it is immaterial whether the veteran is also so helpless as to be in need of regular aid and attendance, and no reduction is in order on this account.

(3) It is only when entitlement to the rate under paragraphs (b) (12) singly, §§ 35.011 and 35.012 of this chapter, or with another entitlement to the rate under paragraphs (b) (12) (13), or (14),

§§ 35.011 and 35.012 of this chapter so as to qualify under paragraphs (b) (15) §§ 35.011 and 35.012 of this chapter is based solely upon being so helpless as to be in need of regular aid and attendance; i. e., in the absence of other entitling conditions, that reduction on this account is in order.

(4) The reduction in the case of a veteran entitled only under paragraphs (b) (12), §§ 35.011 and 35.012 of this chapter, on account of helplessness will be in the amount of $102 (or $76.50)

(5) When any veteran is entitled to one of the rates under paragraphs (b) (12) (13) or (14) §§ 35.011 and 35.012 of this chapter, by reason of anatomical losses or losses of use of extremities, blindness, having 5/200 visual acuity or less, or anatomical loss of both eyes, and is also entitled to another rate under paragraphs (b) (12) §§ 35.011 and 35.012 of this chapter on account of being so helpless as to be in need of regular aid and attendance, no condition being considered twice in the determination, the rate of pension while not being maintained and furnished aid and attendance in kind will be $360 (or $270) per month. This amount is subject to reduction to $282 (or $211.50) or $318 (or $238.50) per month according to which the veteran is entitled apart from helplessness. No case will arise in which reduction from $360 to $240 will be in order, for the reason that the condition entitling to the second rate on account of rendering the person helpless will necessarily be totally disabling, thus entitling, if the basic entitlement is under paragraphs (b) (12) or (13) §§ 35.011 and 35.012 of this chapter, to one of the rates specified in the preceding sentence. Note that if the basic entitlement is under paragraphs (b) (14) §§ 35.011 and 35.012 of this chapter the additional disability rendering the person helpless is necessarily ratable at 100%, consequently the rate of pension will be $360 (or $270) per month whether or not being furnished aid and attendance in kind.

(6) In the special case of entitlement under paragraphs (b) (13) §§ 35.011 and 35.012 of this chapter only on account of blindness of both eyes, rendering him so helpless as to be in need of regular aid and attendance, the reduction will be $42 (or $31.50) per month.

(7) Additional pension of $42 (or $31.50) per month under paragraphs (b) (11) §§ 35.011 and 35.012 of this chapter, or on account of 50% disability or 100% disability in excess of the conditions entitling under paragraphs (b) (12), (13) or (14) §§ 35.011 and 35.012 of this chapter is not subject to reduction on account of being furnished nursing or attendant's service.

The reduced rate of compensation in such instances will be effective as of the beginning of the maintenance of the disabled veteran in an institution by the Veterans' Administration. The compensation in all cases contemplated herein is subject to the limitations contained in § 3.1255.

(c) *Resumption of full rate.* In every case where a beneficiary who is receiving an allowance or increased compensation for a nurse or attendant is admitted to a hospital for treatment as a beneficiary of the Veterans' Administration, a report will be forwarded to the rating board, field office, or the central disability board, claims division, veterans claims service, showing the inclusive date of hospital treatment. Where the additional allowance or increased compensation for a nurse or attendant has been properly authorized to patients with amputations, or in those cases wherein the basic condition requiring a nurse or attendant is essentially permanent as defined in Veterans' Administration adjudication procedure, or in terminal cases, a redetermination by the rating board following dehospitalization is not required for reinstatement of this benefit. Upon receipt of the necessary notice that such veteran is no longer being maintained in an institution by the Veterans' Administration, appropriate awards action for the purpose stated above will be accomplished at once and in such instances it will not be necessary to await receipt of the hospital report prior to resuming the additional allowance or increased compensation. In other cases not involving amputations or conditions essentially permanent the additional allowance or increased compensation for a nurse or attendant may be reawarded only upon a determination by the rating board that the veteran concerned is in further need of such services. The additional allowance or increased compensation for nurse or attendant is not to be reinstated for the purpose of applying the provisions of § 2.1009 (e) of this chapter, which are applicable only to the proper running award. Where the veteran is not hospitalized and evidence is received indicating there is no further need for nurse or attendant, the provisions of § 2.1009 (e) of this chapter are for application. (59 Stat. 533, 60 Stat. 908) (Sec. 27, 28, 29, 48 Stat. 524, 525; 38 U. S. C. 471a, 706, 722)

§ 3.1245 *Rates of pay for disability or death the result of training, hospitalization, or medical or surgical treatment under section 31, Public No. 141, 73d Congress, examination under section 12, Public No. 866, 76th Congress, and § 35.017 (d) of this chapter as amended.* Where the disease, injury, death, or the aggravation of an existing disease or injury resulted from submitting to an examination under authority of any of the laws granting monetary or other benefits to World War veterans, or from training, hospitalization, or medical or surgical treatment awarded under any of the laws granting monetary or other benefits to World War veterans (World War I and World War II) the compensation to be awarded will be determined as follows:

(a) *World War service.* In claims of veterans with World War (I or II) service as defined in Public No. 2, as amended, Public No. 141, 73d Congress, Public No. 344, 74th Congress, or Public No. 304, 75th Congress, and regulations and instructions issued pursuant thereto, the compensation to be awarded will be in accordance with the rates provided in § 35.011 of this chapter, and the Schedule for Rating Disabilities, 1945. (60 Stat. 319)

(b) *Service connection to be direct.* Under section 31, Title III, Public No. 141, 73d Congress, section 12, Public No. 866, 76th Congress, and § 35.017 (d) of this chapter, as amended, service connection for additional disabilities incurred in the manner therein specified will be direct. Veterans with disabilities presumptively due to World War I service, who acquire additional disabilities as the result of training, hospitalization, or medical or surgical treatment, or as the result of having submitted to an examination under authority of any of the laws granting monetary or other benefits to World War I veterans will be paid benefits for such additional disabilities at 100 percent of the rates provided therefor in the Schedule of Disability Ratings, 1945, and Extensions thereto, if otherwise entitled.

No change in (c)

(54 Stat. 1193, 57 Stat. 43; 38 U. S. C. A. 701)

§ 3.1248 *Continuance of award to child pursuing a course of instruction after it reaches the age of eighteen years.* When an unmarried child of a veteran entitled to disability compensation, pension, or emergency officers retired pay under Public No. 2, Public No. 78, 73d Congress, as amended, or Public No. 141, 73d Congress, as amended by Public Law 144, 78th Congress, is or may hereafter be pursuing a course of instruction at a school, college, academy, seminary, technical institute, or university particularly designated by it and approved by the Veterans' Administration, payment of an apportioned share of compensation, pension or emergency officers retired pay may be continued or made to, for, or on behalf of the child after it has reached the age of eighteen years, but not after it has reached the age of twenty-one years. (Effective dates of payments to a child after it reaches eighteen years of age and is pursuing a course of instruction—see § 5.2598 of this chapter.) (Sec. 4, 48 Stat. 9; 28 U. S. C. 704)

§ 3.1250 *Reduction or discontinuance of disability compensation or pension.* The effective date of the reduction or discontinuance of awards of disability compensation or pension will be in accordance with the provisions of § 35.012 (c) of this chapter, except as otherwise provided. Reduction or discontinuance because of ceasing school attendance shall be effective upon the last day which the child attended school, but in no event will pension or compensation be paid for a period beyond the day preceding the child's twenty-first birthday. (Secs. 9, 20, 48 Stat. 10, 309; 38 U. S. C. 709, 722)

§ 3.1251 *Failure to report for physical examination.* (a) Upon the failure of a veteran without adequate reason to report for physical examination, requested for disability compensation or pension purposes, the award of disability compensation or pension in course of payment to him will be suspended as of the date of last payment. The reason given for suspension will be "Failure to report for examination." Any award of compensation or pension concurrently being paid to dependents will also be suspended.

(Resumption of payments—See § 3.1266.)
No change in (b).

§ 3.1255 *Reduction when disabled person is in a Veterans' Administration institution or other institution at the expense of the Veterans' Administration. (Section 1, Pub. Law 662, 79 Cong.)* (a) Where any veteran having neither wife, child, nor dependent parent is being furnished hospital treatment, institutional or domiciliary care by the Veterans' Administration other than for Hansen's disease, any pension, compensation, or retirement pay otherwise payable other than the additional allowance or increased compensation for aid and attendance shall continue without reduction until the first day of the seventh calendar month following August 1946, or the month of admission of such veteran for treatment or care, whichever is the later. If treatment or care extends beyond that period, the pension, compensation, or retirement pay, if $30 per month or less, shall continue without reduction, but if greater than $30 per month, the pension, compensation, or retirement pay shall not exceed 50 per centum of the amount otherwise payable, or $30 per month, whichever is the greater. The pension, compensation, or retirement pay of any veteran leaving against medical advice or as the result of disciplinary action shall, upon a succeeding readmission for treatment or care, be subject to reduction, as herein provided, from the date of such readmission.

(b) Where any veteran having neither wife, child nor dependent parent is being furnished hospital treatment, institutional or domiciliary care by the Veterans' Administration and shall be rated by the Veterans' Administration in accordance with regulations as being incompetent by reason of mental illness, the pension, compensation or retirement pay for such veteran shall be subject to the provisions of paragraph (a) of this section: *Provided further* That in any case where the estate of such incompetent veteran derived from any source equals or exceeds $1,500. Further payments of such benefits will not be made until the estate is reduced to $500. Payment will be discontinued effective as of the date of admission or the first day of the month following receipt of evidence showing the estate equals or exceeds $1,500, whichever is later, or in the event of a readmission whereupon the prior admission the payments were discontinued because the veteran had an estate of $1,500, the discontinuance will be effective as of the date of the readmission, or if not so discontinued, the discontinuance will be effective the first day of the month following receipt of evidence showing the estate equals or exceeds $1,500.

(c) Any veteran subject to the provisions of paragraphs (a) and (b) of this section shall be deemed to be single and without dependents in the absence of satisfactory proof to the contrary and in no event shall increased compensation, pension or retirement pay be granted for any period more than one year prior to the receipt of satisfactory evidence showing that the veteran has a wife, child or dependent parent. In those instances where the required proof of dependents is not of record, statements, on Form 404 or otherwise, as to dependency status, will constitute a prima facie showing thereof. The veteran will be informed of the necessary additional evidence and that in the event it is not submitted within sixty days award will be adjusted on the basis of a veteran without dependents, effective as provided in paragraph (a) of this section. (60 Stat. 908) (Secs. 1, 4, 6, 29, 48 Stat. 9, 285, 525, 57 Stat 554; 36 U. S. C. 122, 38 U. S. C. 704, 706, 727)

§ 3.1256 *Adjustment of award of veteran upon termination of institutionalization by the Veterans' Administration.* (a) Where a veteran whose pension, compensation or retirement pay has been reduced or discontinued as provided in § 3.1255 (a) is discharged from treatment or care upon certification of the officer in charge of the hospital, institution, or home, that maximum benefits have been received, or release is approved, the award to or on behalf of the veteran will be adjusted in accordance with the last valid rating, if otherwise in order, effective as of the day the veteran is discharged or released from the hospital or institution, and the award will include such additional amount as will equal the total sum by which the pension, compensation or retirement pay has been reduced; when the reduction or discontinuance has been effected pursuant to the provisions of § 3.1255 (b), payment of the amount equal to the amount by which the pension, compensation, or retirement pay was reduced, will be awarded six months following the finding of competency, or in the event treatment or care is terminated by the veteran against medical advice, or as the result of disciplinary action, payment of the amount by which the pension, compensation, or retirement pay was reduced will be awarded the veteran at the expiration of six months after the termination of treatment or care. Where a veteran in the last category is subsequently readmitted and continues such treatment or care until discharged upon certification by the officer in charge of the hospital, institution, or home in which treatment or care was furnished, that maximum benefits have been received or that release is approved, he shall be paid in a lump sum such additional amount as would equal the total sum by which his pension, compensation, or retirement pay has been reduced under § 3.1255 (a) subsequent to such readmission.

(b) While a veteran is on trial visit or other temporary absence from a Veterans' Administration hospital or center, no adjustment of his award by reason thereof will be made for any period of less than thirty days, inclusive of the day on which he left the institution. If the veteran is discharged without returning to the institution, the award will be adjusted in accordance with paragraph (a) of this section. The report of such absence will be made to the office having custody of the case file in accordance with effective procedure. (60 Stat. 908) (Sec. 29, 48 Stat. 525; 38 U. S. C. 706)

§ 3.1258 *Interpretation of phrase, "Is being furnished hospital treatment."* [Canceled March 4, 1947]

§ 3.1259 *Award not to be reduced when veteran is admitted to facility for examination or observation, for temporary hospitalization for the purposes of Veterans' Administration medical procedures, or for construction of dentures under Veterans' Administration medical procedures where veteran resides in immediate vicinity of facility.* [Canceled March 4, 1947]

§ 3.1265 *Reduction not authorized without reexamination.* The protection afforded by section 28, Public No. 141, 73d Congress, will not be withdrawn and compensation reduced or discontinued by reason of a new evaluation without physical examination, except that a physical examination will not be requested where there is on file a recent report that accurately reflects the current disability, is adequate for rating purposes, and meets the particular requirements of the applicable provisions of the rating schedules. A change in the combined rating incident to rerating from a temporary to a permanent basis (not involving change in the percentage evaluation of any disability) may be effected without reexamination. This requires that evaluation under the 1925 Schedule and awards based thereon in effect April 1, 1946, will be continued until change in physical or mental condition warrants amendment of the 1925 Schedule rating, at which time the rating will be under the 1945 Schedule only, as well as the award based thereon, except when a statutory award or rating under the World War Veterans' Act, 1924, as amended, as restored by Public No. 141, 73d Congress, as amended, is in order, in which event the statutory award or rating will be continued, or made in the manner provided for initial ratings under the 1945 Rating Schedule. It is to be distinctly understood that the application of the foregoing shall not result in a diminution of the compensation being paid on April 1, 1946, in any instance where the changed condition results in a greater degree of disability, whether viewed under the 1925 or 1945 Schedule. (60 Stat. 319)

§ 3.1267 *Resumption of awards discontinued under section 1, Public Law 662, 79th Congress.* Where payments to or in behalf of an incompetent beneficiary have been discontinued pursuant to the provisions of § 3.1255 (b) the award will not be reopened unless and until an accounting is received, disclosing that the estate is reduced to $500 or less, whereupon payments at the rate provided in § 3.1255 (a) will be resumed effective as of the first of the month in which the notice is received; *Provided,* That if the disabled person is discharged from the institution before the estate is reduced to $500, or it is determined that he has a dependent or dependents or for any other reason does not meet the requirements of section 1, Public Law 662, 79th Congress, the award will be re-

opened in accordance with the facts found to exist. In the computation of the $1500 or $500 limitation there will be included money belonging to the disabled person in "Funds Due Incompetent Beneficiaries," in the possession of his fiduciary, if there is one, and/or in the possession of the chief officer of the institution. (60 Stat. 908) (Secs. 4, 6, 29, 48 Stat. 9, 525, 57 Stat. 554; 38 U. S. C. 525, 704, 706, 727)

§ 3.1270 *Readjustment of awards to incompetent veterans under section 1, Public Law 662, 79th Congress.* (a) Where payments of compensation or pension were properly discontinued because the estate of the incompetent veteran equaled or exceeded $3,000 (limitation under section 202 (7)) of the World War Veterans' Act, 1924, as amended) or $1,500, as the case may be, and there exists only a claim against a defunct bank or other institution, or the entire estate is the subject of litigation or consists of investments which have an undetermined value, and there is no income to provide for clothing and other needs and comforts for the veteran, the chief attorney may permit the present guardian to submit a sworn statement setting forth the facts and estimating what the said claim or chose in action would sell for in the open market. If, based upon such showing, the chief attorney is satisfied that the value of the estate, as so determined, does not exceed $500, he will prepare a certificate to that effect and forward it to the proper adjudicating agency in the field, or the central office. Upon receipt of the certificate, the adjudicating agency will award, effective the first day of the month in which the action is taken such payments as are in order.

No change in (b) or (c)

(Secs. 4, 6, 29, 48 Stat. 9, 525; 38 U. S. C. 525, 704, 706)

§ 3.1275 *Payments to whom made.* (a) The disability pension or compensation payable to a minor or a person mentally incompetent under the pension laws, Public No. 2, 73d Congress, Public No. 78, 73d Congress, or Public No. 141, 73d Congress, or the retirement pay to which an incompetent veteran is entitled may be paid to the guardian, curator or conservator, if one is serving, or to the person otherwise legally vested with the care of the beneficiary or his estate, or when payments have been suspended or withheld from a guardian, to a person having actual custody of the minor or incompetent, in accordance with the provisions of section 21 of the World War Veterans' Act, 1924, as amended by Public No. 262, 74th Congress, subject to §§ 3.1276, 3.1310 and 3.1315. However, in any case of an incompetent veteran having no guardian, payment of compensation, pension, or retirement pay may be made in the discretion of the administrator to the wife of such veteran for the use of the veteran and his dependents. (Sec. 2, Pub. Law 144, 78th Cong.)

No change in (b)

(57 Stat. 554; 38 U. S. C. 727)

§ 3.1276 *Institutional awards.* When an incompetent or insane disabled person entitled to disability compensation, pension or retirement pay is a patient in a hospital or institution, payments on his account may be made by means of an institutional award in accordance with the following:

(a) When no guardian has been appointed or when payments to an unsatisfactory guardian have been stopped or suspended. (60 Stat. 908; 57 Stat. 554; 33 U. S. C. 727)

No change in (b) or (c)

(d) In either event, in accordance with the provisions of section 1 (B) of Public Law 662, 79th Congress, there may be paid to the chief officer in behalf of the disabled person up to but not in excess of $30, depending upon the disability rating, per month, or in the event the veteran has dependents and more is payable under his disability rating or there are funds to his credit in "Funds due incompetent beneficiaries," such additional amount as may be needed will be allowed, on the basis of a certification by the chief officer of the hospital or institution with respect to the need and the amount required and a certification by the chief attorney concerned as to the neglect or refusal of the guardian to supply necessary funds. Accordingly, in such cases there may be awarded to the chief officer of the hospital or institution (for definition of chief officer see § 3.1277) as provided in this paragraph, any amount necessary for the disabled person's comforts and desires not included in the regular support, care, treatment, and maintenance of the disabled person provided by the hospital or institution. Any benefits payable on account of the disabled person not paid to the chief officer of the institution or to the guardian or not apportioned to a dependent or dependents will be paid into the "Funds due incompetent beneficiaries." Any excess funds in the hands of the chief officer of an institution other than a Veterans' Administration hospital or center at the end of each accounting period, which he may deem unnecessary for expenditure for the benefit of a disabled person, will be returned to the Veterans' Administration or to the guardian, if one is serving. (60 Stat. 908) (57 Stat. 554; 38 U. S. C. 727)

No change in (e)

§ 3.1281 *Disappearance of incompetent veterans; payment to dependents—* (a) *Under § 35.01 of this chapter* Where an incompetent veteran receiving or entitled to receive compensation under either §§ 35.011 or 35.012 of this chapter, disappears or has disappeared and for 90 days or more thereafter his whereabouts remain unknown to the members of his family and the Veterans' Administration, there will be paid to the dependents of the veteran the amounts authorized for surviving dependents under §§ 35.011 and 35.012 of this chapter, respectively, effective as of the day following the discontinuance of the veteran's award, date of veteran's disappearance, or April 1, 1935 (effective date of revision of § 35.01 of this chapter) whichever is the later; *Provided,* That in no event will the monthly amount paid to dependents hereunder exceed the amount payable to a veteran at the time of his disappearance; *Provided further,* That the amounts authorized for surviving dependents of World War veterans under § 35.011 of this chapter will be the amounts authorized by section 14 (a) and (b), Public Law 144, 78th Congress, as amended. The provisions of this paragraph are applicable only to the cases of incompetent veterans receiving or entitled to receive compensation under §§ 35.011 or 35.012 of this chapter.

(b) *Under section 8 of Public No. 304, 75th Congress.* Where an incompetent World War veteran receiving or entitled to receive compensation under Public No. 141, 73d Congress, disappears or has disappeared and for 90 days or more thereafter his whereabouts remain unknown to the members of his family and the Veterans' Administration, there will be paid to the dependents of the veteran the amount of compensation payable to dependents of deceased veterans who die from war service-connected disabilities effective as of the day following the discontinuance of the veteran's award, date of veteran's disappearance, or August 16, 1937, whichever is the later. From August 1, 1943, as provided in section 14 (c) of Public Law 144, 78th Congress, the rates for dependents will be those authorized by section 14 (a) of that act, as amended. However, in no event will the amount paid to dependents hereunder exceed the amount payable to a veteran at the time of his disappearance. (50 Stat. 660; 38 U. S. C. 727) (57 Stat. 554–560)

(c) *Preparation of awards.* Awards to dependents will be prepared in accordance with effective awards procedure and will bear the notation "Veterans Regulation No. 1 series, Part VI," where compensation is payable under §§ 35.011 or 35.012 of this chapter, or "Section 8 of Public No. 304, 75th Congress," where compensation is payable under Public No. 141, 73d Congress. Apportionment of payments shall be in accordance with § 5.2591 of this chapter.

No change in (d) or (e)

(Secs. 1, 4, 48 Stat. 8, 9, sec. 8, 50 Stat. 662, 53 Stat. 1070; 38 U. S. C. 472b, 472e, 701, 704).

§ 3.1285 *Disposition of accrued amounts not paid during lifetime of dependent entitled thereto.* [Canceled March 4, 1947.]

§ 3.1286 *Determination of marital status, custody of child or children, or continuance of dependency.* When in any case wherein compensation, pension, or retirement benefits are being paid, it is deemed necessary to determine the current facts in regard to the marital status of the veteran, custody of child or children, or dependency of parent or parents, the necessary evidence will be requested and, when received, appropriate adjustment will be made in accordance with the facts disclosed pursuant to the provisions of law and the regulations and instructions based thereon. If the necessary information is not received within

a reasonable time from the date of request therefor appropriate action will be taken to effect an adjustment on the basis of a single man without dependents, or through a discontinuance of benefits to the payee or payees, wife, child or children, or dependent parent or parents, as may be required by the facts. If the necessary evidence or information is thereafter received within one year from the date of request therefor, a readjustment may be made or the payment of benefits resumed, if otherwise in order, from the effective date of the adjustment or discontinuance previously necessitated by the non-receipt of the desired data. If the necessary evidence or information is not received within one year from the date of request therefor, the adjustment or resumption of payments will not be authorized prior to the date of receipt of the evidence or information. For the applicable rule in cases of institutionalization, see § 3.1255 (c)

§ 3.1296 *Concurrent payment of benefits to same person.* (a) On and after July 13, 1943, the provisions of this paragraph are applicable to all laws administered by the Veterans' Administration. Not more than one award of pension, compensation or emergency officers or regular retirement pay, shall be made concurrently to any person based on his own service. The receipt of pension or compensation by a widow, child, or parent on account of the death of any person, or receipt by any person of pension or compensation on account of his own service, shall not bar the payment of pension or compensation on account of the death or disability of any other person. Pension, compensation or retirement pay on account of his own service shall not be paid while the person is in receipt of active service pay, but the receipt of active service pay shall not bar the payment of pension or compensation on account of the death or disability of any other person. (Sec. 15, Pub. Law 144, 78th Cong.)

(b) For the purposes of § 35.012 (a) of this chapter, as amended by Public, No. 159, 75th Congress (Act of June 23, 1937) and as modified by section 304 of Public, No. 732, 75th Congress (Act of June 25, 1938) compensation shall not be paid concurrently with active duty pay or United States Employees Compensation. Where a naval reservist who is eligible for compensation is also eligible for the benefits of the United States Employees Compensation Act he shall elect which benefit he shall receive.

No change in (c)

(d) New awards of naval allowance under sections 4756 and 4757, Revised Statutes, may not be awarded concurrently with other pensions or compensation. However, this provision does not apply to a continuation of those concurrent awards of naval allowances which were in effect on July 13, 1943 (A. D. 587), nor to renewals or continuation of such prior awards. (A. D. 588) (48 Stat. 8, 9, 525; 38 U. S. C. 366, 503, 701, 704)

§ 3.1299 *Action where veteran returns to active duty status.* Compensation or pension may not be paid concurrently with the receipt of active service pay and where any person in receipt of compensation or pension returns to active duty status with any of the armed forces of the United States, or active service in the United States Coast Guard, benefits will be suspended effective the day preceding re-entrance, if known, or the date of last payment. In the latter instance the correct date on which the veteran re-entered active duty status will be ascertained and a corrected Stop (or Suspended) Payment Notice, VA Form 521, or amended award then executed as of the correct date. Where a member of the organized reserves, before entering upon active duty, surrenders or relinquishes the benefit which he is receiving, a Stop (or Suspended) Payment Notice, VA Form 521, will be executed as of the date of last payment. Official information showing the date upon which the veteran actually re-entered active duty will be secured and there will be executed a corrected Stop (or Suspended) Payment Notice of amended award, whichever is in order. When it becomes necessary to discontinue payments of disability compensation, pension, or retirement pay because the veteran has re-entered active military or naval service, the representatives, including duly accredited service organization or attorney of record, will be informed by being furnished copy of the letter to the veteran notifying him of the discontinuance of payments. Payments may be resumed the day following release from active duty, provided the person is otherwise entitled. The determination of service connection upon which the award of benefits was originally made will not be disturbed. The resumption of payment of compensation as to amount, will be at a rate commensurate with the degree of disability found to exist at the time of restoration of the award. The appropriate form of the 3101 Series will be secured and the claim will be adjudicated upon a basis including the pertinent facts in the most recent period of active service. However, in instances where veterans of the military or naval forces also served during the present war and are discharged by reasons other than disability, such as to accept employment in an essential war industry, any examination indicated with reference to the condition for which disability benefits were formerly authorized may be conducted immediately upon presentation of the original discharge certificate. An effort should be made to see that the examination is completed by the time pertinent service data is received, and final adjudication should then be accomplished. A certified copy or abstract of the veteran's discharge certificate will be made and placed in the case file and the original certificate returned to the veteran. If a disability is incurred or aggravated in the second period of service, the benefits payable on account thereof cannot be paid unless a claim therefor is filed. (See § 2.1027 of this chapter.) (48 Stat. 9, 57 Stat. 554–560; 38 U. S. C. 707)

§ 3.1300 *Military and naval retirement pay.* Under existing law, the only prohibitions against receipt of pension, compensation, emergency officers or regular retirement pay by a veteran on account of his own service are: (a) That not more than one award of such benefits shall be made concurrently, and (b) that such benefits shall not be paid while the person is in receipt of active service pay. (See § 3.1296 of this chapter.) Therefore, an officer or enlisted man entitled to retirement with pay (retainer pay is in the nature of reduced retirement pay—A. D. 656), who is also entitled to compensation or pension, may elect which of the benefits he desires to receive. Such election does not bar him from making a subsequent election of the other benefit to which he is entitled. The provisions of section 212, Public No. 212, 72d Congress, as amended, do not apply to compensation or pension, and do not in any way preclude such election. (A. D. 671) This interpretation may be applied retroactively if the claimant was not advised of his rights of election and the effect thereof, but in no event prior to July 13, 1943. Moreover, any person in receipt of regular retirement pay may by filing with the department by which such retired pay is paid a waiver of a part of such retired pay, equal in amount to the pension or compensation to which he is otherwise entitled, receive such pension or compensation concurrently with the balance of his retired pay. (Pub. Law 314, 78th Cong.) However, such a retired person, who on the day of his retirement elected under section 212, Public No. 212, 72d Congress, to take the salary of his civilian office rather than the retired pay to which he would have been entitled but for his appointment to the civilian office, may not receive pension or compensation under Public Law 314, 78th Congress. (A. D. 651) (See Veterans' Administration adjudication procedure) (52 Stat. 1175–1186, 55 Stat. 395; 38 U. S. C. 26b, 853–856)

§ 3.1302 *Right of election.* Where a person has a right to benefits under two or more laws, he may elect to take under any law, regardless of whether it is the greater or lesser benefit, and even though his election results in reducing the benefits of his dependents. Any person who elects to receive monetary benefits under any law, places the right under another law in suspense and may at any time, on election, cause the suspension to be lifted by again electing monetary benefits under the other law.

§ 3.1303 *Right of election between disability compensation or pension and emergency officers retirement pay.* [Canceled March 4, 1947.]

APPORTIONMENTS

§ 3.1310 *Apportionments authorized.* Disability pension, disability compensation, emergency officers retirement pay, and on and after October 17, 1940, service pension and pension for service prior to April 21, 1898, amounting to more than $30 monthly, will be apportioned according to the table provided in § 3.1311, except where otherwise authorized or provided herein.

No change in (a) (b) or (c).

(d) In those cases where an incompetent veteran with a wife, child, or dependent parent, and for whom no guardian or other legal fiduciary has been appointed, is maintained in an institution by the United States or a polit-

ical subdivision thereof, the disability pension payable under § 35.013 of this chapter, unless paid in the discretion of the Administrator to the wife of such veteran for the use of the veteran and his dependents, will be apportioned, if otherwise in order, in accordance with the schedule set out below. Prior to authorizing an apportionment of disability pension as provided herein adequate development will be accomplished for the purpose of determining the need therefor and evidence to establish the marital status, relationship, and dependency in the case of a parent, will be secured. In any case where there is doubt as to the propriety of the contemplated action or where, after all feasibly available evidence is secured, there is doubt as to the marital status or relationship, the case will be submitted, together with a full statement of the pertinent facts, to the director, claims service, branch office, for an advisory opinion or such other action as may be deemed appropriate.

Where there is (are)		
A wife but no child or where all children are in her custody.	Portion to wife	$50.40 monthly.
A child but no wife	Portion to child	$39.60 monthly.
Two or more children but no wife	Portion to children (to be divided equally between them).	$50.40 monthly.
A dependent parent but no wife or child.	Portion for parent	$39.60 monthly.
Two dependent parents but no wife or child.	Portion for parents (to be divided equally between them).	$50.40 monthly.

Any increase in pension by reason of the veteran having attained the age of sixty-five or having been rated permanently and totally disabled and in receipt of pension for a continuous period of ten years or more will be added to the amount allowed the dependents as hereinabove described. There will be paid to the manager, if a Veterans' Administration hospital or center, or such other proper official in charge of the institution any sum remaining unawarded. When the apportionments provided herein are believed to work a hardship upon one or more parties in interest, recourse then may be had to the provisions of § 3.1315 for a special apportionment under the approved procedure relating thereto.

Running awards not consistent with the foregoing provisions will not be automatically reviewed for such purpose but will be adjusted when the particular case otherwise requires award action. (57 Stat. 554, 59 Stat. 623, 60 Stat. 908)

No change in (e)

(Sec. 4, 48 Stat. 9, 509, 54 Stat. 1193, 57 Stat. 43, 58 Stat. 230; 38 U. S. C. 701, 704, 38 U. S. C. A., Ch. 12 note)

§ 3.1311 *Table of apportionments.* No change in (a)

(b) When the wife is living separate and apart from the disabled person, and the child or children are living with her and the wife is entitled to an apportioned share of disability compensation, service pension or emergency officers retirement pay, both on account of herself and the child or children, the benefit as provided in paragraph (a) of this section above will be paid to the wife in one monthly amount on account of herself and such child or children in her custody. (54 Stat. 1193)

(c) Where the evidence of record shows that the veteran and his wife are separated, the whereabouts of the wife is unknown, and all reasonable means to locate the wife have been unsuccessful or where she states in writing that she desires no share of the award, or fails for 90 days or more to respond to correspondence from the Veterans' Administration informing her of her rights, which is not returned unclaimed, there will be no apportionment on her account unless the rating is on a temporary basis, in which event there will be reserved for the wife only that amount authorized by the World War Veterans' Act, 1924, as amended, as reenacted by Public No. 141, 73d Congress, to be paid on her account at such time as her whereabouts may be ascertained. If there are children not in the veteran's custody the award will be apportioned according to the table provided in paragraph (a) of this section on the basis of the disabled person and child or children until such time as the whereabouts of the wife may be ascertained or she expresses a desire to claim her share of the award. In such event the award will be reapportioned on the basis of the disabled person, wife and child or children.

(d) If and while a claimant is rated temporarily disabled, that part of the benefit which is payable to him by virtue of his having a dependent father or mother, or both, will be apportioned and paid directly to the dependent when it appears that the claimant has neglected or refused to contribute to his, her, or their support in substantially the amount which he, she, or they would receive if apportionment were made: *Provided,* That no apportionment will be made where the duly appointed guardian under orders of the court of appointment makes or has made like contribution for the support of the parent or parents. (Sec. 1 (B) Pub. Law 662, 79th Cong.) (59 Stat. 623, 60 Stat. 908) (Sec. 4, 48 Stat. 9, 57 Stat. 43; 38 U. S. C. 701, 704)

(e) [Canceled March 4, 1947.]

§ 3.1312 *Apportionment not authorized.* No change in (a) (b) (c) or (d)

(e) Under § 3.1310 of this chapter, where the monetary benefit payable is $30 monthly, or less. (60 Stat. 908)

No change in (f) (g) or (h)

(Sec. 4, 48 Stat. 9; 38 U. S. C. 704)

§ 3.1315 *Special apportionments.* Where it is clearly shown by competent evidence that the application of the provisions of §§ 3.1276, 3.1310 and 3.1311, or the fact that no apportionment is authorized under § 3.1312, will result in undue hardship upon the disabled person or any one of his dependents and relief can be afforded without undue hardship to the other persons in interest, the complete case file will be forwarded by the authorization officer or the attorney reviewer with appropriate recommendation as to the exact manner of the proposed relief, to the adjudication officer, assistant adjudication officer, or the chief, or assistant chief, claims division, who will determine without regard to the provisions of §§ 3.1276, 3.1310, 3.1311 and 3.1312, the disability pension, service pension, disability compensation or emergency officers retirement pay, which will be apportioned and the exact amount to be apportioned to each individual in interest. Should an appeal from such apportionment be received the case file will be referred to the adjudication officer, assistant adjudication officer, or the chief, or assistant chief, claims division, in order that the special apportionment from which the appeal is taken may be reconsidered in the light of any additional evidence developed in connection with the appeal. When it is found that no change is warranted, VA Form P–8d, properly prepared, will be approved. Thereafter regular appellate procedure will be for application. (Veterans' Administration Board of Veterans' Appeals procedure) (59 Stat. 623) (Sec. 4, 48 Stat. 9, 54 Stat. 1193, 57 Stat. 554, 38 U. S. C. 704, 727)

§ 3.1317 *Discontinuance of apportionments; effective dates.* Where disability pension, disability compensation, service pension or emergency officers retirement pay is apportioned between the veteran and his dependents and payments have been or are being made to the dependents subsequent to the date of cessation of the condition on which it is predicated, the effective date of discontinuance of the apportioned benefit to the dependent shall be the date of last payment and the award to the veteran will be adjusted accordingly; except that in the event of death, the date of death; divorce, the date preceding the date of divorce; in the case of a child, the date preceding the eighteenth, or twenty-first birthday, or cessation of school attendance, or the date preceding the date of marriage, will be, the effective date. Where a minor child of a disabled person being paid apportioned disability compensation, pension or emergency officers retirement pay enters the active military or naval service, such apportioned award will be discontinued as of the date of last payment and, effective as of the next day, such child's apportioned share will be added to the disability compensation, pension or emergency officers retirement pay otherwise payable to the veteran. Where the estranged wife of a disabled veteran is receiving apportioned disability compensation, pension or emergency officers retirement pay in behalf of herself and a minor child and such minor child enters the active military or naval service, the apportioned share for the estranged wife will be continued in the same amount as was payable prior to the child's entry into active service, such increased amount to continue during the child's minority or until the cessation of the condition upon which the apportion-

ment was made. The provisions of the two sentences immediately above are also for application when retirement pay under section 5, Public No. 18, 76th Congress, is apportioned while the veteran is being furnished hospital treatment, institutional or domiciliary care by the United States or any political subdivision thereof. (A. D. 599) (59 Stat. 623) (Sec. 4, 48 Stat. 9, 54 Stat. 1193, 1195, 57 Stat. 554; 38 U. S. C. 49a, 704, 727)

ADJUDICATION UNDER PRIOR LEGISLATION

§ 3.1341 *Rating decisions made and signed prior to March 20, 1933.* Where in original claims and claims for increase of pension, compensation, or emergency officers retirement pay, filed prior to March 20, 1933, a favorable rating decision predicated upon the proofs and evidence received by the Veterans' Administration prior to March 20, 1933, has been signed, monetary benefits authorized by such decision may be awarded and paid in accordance with the provisions of such prior laws and the Veterans' Administration issues applicable. (Public No. 78, 73d Congress) (Sec. 20, 48 Stat. 309; 38 U. S. C. 722)

§ 3.1342 *Rating decisions made subsequent to March 20, 1933, but based on evidence received prior to March 20, 1933.* Original claims and claims for increase of pension, compensation or emergency officers retirement pay filed prior to March 20, 1933, may be adjudicated on the proofs and evidence received by the Veterans' Administration prior to March 20, 1933, and monetary benefits awarded and paid in accordance with the provisions of such prior legislation and the Veterans' Administration issues applicable. The condition that a claim may be adjudicated on the "proofs and evidence" received by the Veterans' Administration prior to March 20, 1933, will be met when there was filed with the Veterans' Administration prior to March 20, 1933, proofs and evidence establishing prima facie entitlement to the benefits sought. The condition of law that proofs and evidence necessary to the adjudication of a claim must have been received by the Veterans' Administration prior to March 20, 1933, will be considered as having been met when the only evidence lacking on March 20, 1933, was such as the following, provided that such evidence is of record at the time of the adjudication of the claim:

(a) Letters testamentary, letters of administration, and letters of guardianship.

(b) See § 3.1347.

(c) Official records from the War or Navy Department.

(d) Where an award has been approved and payments of compensation were commenced prior to March 20, 1933, any apportioned or additional compensation withheld pending the receipt of necessary evidence such as proof of relationship may be awarded to the veteran or to the dependents even though such evidence is received after March 20, 1933. However, only one adjudicative action and one appeal may be taken in this class of case. (Public No. 78, 73d Cong.)

§ 3.1347 *Clarifying evidence.* In claims under §§ 3.1341, 3,1342 and 3.1343 where additional evidence is required for the purpose of inquiring into the veracity of a witness or the authenticity of the documentary evidence, the additional evidence may be obtained after March 20, 1933, if the evidence necessary to establish entitlement to the benefits sought was received prior to March 20, 1933. However, any evidence essential to the allowance of the claim or to enlarge the proofs and evidence on file prior to March 20, 1933, may not be considered if not received prior to that date. (A. D. 165) Documentary or other specific proof of relationship or other fact shown prima facie in the record prior to March 20, 1933, received on or after that date will be deemed to constitute an enlargement of the proofs and evidence on file prior to March 20, 1933.

EMERGENCY OFFICERS RETIREMENT CLAIMS

§ 3.1350 *Adjudication of benefits in emergency officers retirement claims.* After a determination as to entitlement or non-entitlement is made by the board of veterans appeals, and after the approval of the necessary award action by the claims division, veterans claims service, claims for emergency officers retirement will be decentralized to the proper regional office or center, except where jurisdiction is vested in central office as provided in § 4.2025 of this chapter, and will thereafter be adjudicated by the adjudication division in the field offices for the purpose of awarding or apportioning emergency officers retirement payments, pension, or compensation; *Provided,* That where denial is made by the board of veterans appeals in its capacity as a body of original jurisdiction in claims for emergency officers retirement pay, decentralization will be effected upon the expiration of a period of one year from the date on which notice of the decision is dispatched to the claimant, if in the meantime an appeal is not filed; and *Provided, further,* That where denial is made by the board of veterans appeals on appeal, decentralization will be withheld for a period of six months from the date on which notice of the decision is sent to the claimant. Payment Card, VA Finance Form 1071, will be retained in central office. (48 Stat. 8)

§ 3.1352 *Protection afforded benefits being paid on March 20, 1933—Payments not limited to $360 per month.* The phrase "entitled to continue to receive retirement pay at the monthly rate now being paid him" contained in section 10, Title I, Public No. 2, 73d Congress, and § 35.05 of this chapter, does not include the additional allowance for nurse or attendant which was being paid the retired officer on March 20, 1933, since such allowance was not a part of the retirement pay. Section 28, Public No. 141, 73d Congress, was not intended nor designed to protect an award for a nurse or attendant to those retired officers who continued to receive retirement pay under section 10, Title I, Public No. 2, 73d Congress. Any retired emergency officer in receipt of retired pay on March 20, 1933, will be deemed to have been in receipt of compensation or pension. That part of Public No. 2, 73d Congress, as amended, providing $360 as the maximum rate of compensation which may be paid for disability, has no application to emergency officers retirement payments. (A. D. 158, 260)

CROSS REFERENCE: Right of election between emergency officers retirement pay, compensation and pension. See § 3.1300.

§ 3.1355 *Physical examinations on emergency officers retirement claims.* Physical examinations in connection with emergency officers retirement claims will be made only upon central office request initiated by the chairman, board of veterans appeals, and communicated to the field station concerned by the chief medical director, department of medicine and surgery. *Provided,* That physical examinations for compensation or pension benefits will be authorized by the adjudication agency having jurisdiction of the claim. (48 Stat. 8)

§ 3.1358 *Public No. 212, 72d Congress, as amended.* No change in (a).

(b) Amounts received by Government employees as overtime compensation or additional compensation under Public Law 49, 78th Congress, or amounts payable under Public Laws 106 and 390, 79th Congress, other than increases in basic rates of compensation, which the act expressly provides shall be considered a part of basic compensation, shall not be considered in determining the amount of a person's annual income or annual rate of compensation for the purposes of section 212, Public No. 212, 72d Congress, as amended. (57 Stat. 75, 59 Stat. 295, 60 Stat. 216.)

(c) A veteran whose emergency officers retirement pay was suspended by reason of this act is entitled to benefits provided by Public Nos. 2 and 141, 73d Congress, without the necessity of filing a new claim, *Provided, however,* That if he has rights to continuation of emergency officers retirement pay under Public No. 2, 73d Congress, he cannot receive other benefits without a specific election.

(R. S. 471, sec. 5, 43 Stat. 608, secs. 1, 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 2, 11, 11a, 426, 707; interpret secs. 1, 2, 45 Stat. 735, 736, sec. 10, 48 Stat. 10; 38 U. S. C. 581, 582, 710) Statutes giving special authority are cited in parentheses at the end of affected sections.

[SEAL] OMAR N. BRADLEY,
General, U. S. Army,
Administrator of Veterans' Affairs.

MARCH 4, 1947.

[F. R. Doc. 47-2146; Filed, Mar. 7, 1947; 10:10 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

Subchapter B—Regulations

PART 21—INTERNATIONAL POSTAL SERVICE

GENERAL PROVISIONS POSTAL UNION (REGULAR) MAILS

Insert new § 21.34a to read as follows:

§ 21.34a *Overcharges on international mail matter.* (a) All applications under

the provisions of the law cited in § 6.19 of this chapter for the refund of postage paid on international ordinary, registered, insured, and collect-on-delivery mail returned to sender without service having been rendered shall be addressed to the Second Assistant Postmaster General, International Postal Transport, Washington 25, D. C., accompanied with a full statement of the basis for the refund application. When possible, the portion of the envelope or wrapper showing the names and addresses of the sender and addressee, date of mailing, the amount of postage and fees (if any) paid, Form 2922 in the case of parcel post, and all postal endorsements, particularly the reason for the return of the mail matter, shall be submitted with the application for refund. Postmasters shall not make refunds until instructed by the Department.

(b) The Second Assistant Postmaster General, International Postal Transport, may on requests therefor authorize refunds of fees collected for international return receipts when such receipts or their equivalent are not obtained because of some fault of the Postal Service; and may also authorize refunds of fees for inquiries or complaints, when they were caused by some irregularity of the Postal Service, in connection with international ordinary, registered, insured, or collect-on-delivery mail.

NOTE: Requests for refunds of fees for registration or insurance or for amounts of less than 10 cents will not be considered.

(c) Upon receipt of instructions to make a refund a postmaster shall pay the amount authorized out of the postal receipts in his possession and shall require the person to whom the payment is made to give a receipt therefor in duplicate on a Form 2995 furnished by the Department, which will accompany the Department's instructions. Offices at which Treasury checking accounts for payment of miscellaneous expenditures have been authorized may show the Treasury check number on voucher Form 2995 in lieu of the signature of the payee. The "original" receipt shall be sent promptly to the Second Assistant Postmaster General, International Postal Transport, in the case of all international mail; ordinary, registered, insured and collect-on-delivery the "duplicate" shall be retained in the post-office files.

(d) All refunds of postage at offices at which Treasury checking accounts for payment of miscellaneous expenditures have been authorized shall be made by Treasury check; at other offices, they shall be made on the basis of cash payments and the receipt of the payee secured on the voucher. Payments should not be made partly by Treasury check and partly on a cash basis. Care should be exercised to see that the name of the payee is shown on the voucher in each case.

(e) Credit for the amount of the refund shall be claimed by the postmaster in the postal account for the quarter in which refund was made. (Sec. 2, 33 Stat. 1091, 39 U. S. C. 300)

[SEAL] J. M. DONALDSON,
Acting Postmaster General.

[F. R. Doc. 47-2129; Filed, Mar. 7, 1947; 8:45 a. m.]

PART 21—INTERNATIONAL POSTAL SERVICE

TRANSPORTATION CHARGES FOR CONVEYANCE OF FOREIGN MAIL BY UNITED STATES AIR CARRIERS

Amend § 21.117 *Transportation charges due from foreign countries for the conveyance of their mails by United States air carriers* (11 F. R. 14517) by adding the following:

Between:	*Rate—postal gold francs per gross kilogram*
United States and Ankara, Turkey	52.50
Gander, Newfoundland, and Ankara, Turkey	39.75
Shannon, Ireland, and Ankara, Turkey	20.50
London, England, and Ankara, Turkey	17.00

(Sec. 405, 52 Stat. 994, as amended; 49 U. S. C. 485)

This amendment shall be effective January 31, 1947.

[SEAL] J. M. DONALDSON,
Acting Postmaster General.

[F. R. Doc. 47-2130; Filed, Mar. 7, 1947; 8:45 a. m.]

PART 21—INTERNATIONAL POSTAL SERVICE

TRANSPORTATION CHARGES FOR CONVEYANCE OF FOREIGN MAIL BY UNITED STATES AIR CARRIERS

Amend § 21.117 *Transportation charges due from foreign countries for the conveyance of their mails by United States air carriers* (11 F R. 14517) by adding the following:

Between:	*Rate—postal gold francs per gross kilogram*
United States and Sydney, Australia	76.50
Honolulu and Sydney, Australia	50.50
Canton and Sydney, Australia	32.25
Suva and Sydney, Australia	20.25
Noumea and Sydney, Australia	12.00

(Sec. 405, 52 Stat. 994, as amended; 49 U. S. C. 485)

This amendment shall be effective January 28, 1947.

[SEAL] J. M. DONALDSON,
Acting Postmaster General.

[F. R. Doc. 47-2131; Filed, Mar. 7, 1947; 8:45 a. m.]

PART 21—INTERNATIONAL POSTAL SERVICE

SERVICE TO FOREIGN COUNTRIES

The regulations under the country "Germany" (39 CFR, Part 21, Subpart B—Service to Foreign Countries) as amended (11 F R. 14517; 12 F R. 706) are further amended by the additional regulations:

Effective at once, non-commercial printed matter up to a weight limit of 4 pounds 6 ounces, when sent as gifts, may be accepted for mailing to the United States and British Zones of Germany, excluding Berlin.

The term "non-commercial printed matter" may be interpreted as referring to newspapers, news and fashion magazines, books on any subject, sheet music, and periodicals devoted to special fields of interest such as art, medicine, literature, and similar subjects. Individuals in the United States may direct publishers to mail gift printed matter. It is not permissible, however, to send mail-order catalogues, or other printed matter of a commercial nature.

The covers or wrappers of printed matter addressed to the American and British Zones of Germany must be plainly marked "Non-commercial printed matter" and a list of the articles enclosed must be plainly endorsed on or securely attached to the cover.

(R. S. 161, 396, sec. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

[SEAL] J. M. DONALDSON,
Acting Postmaster General.

[F. R. Doc. 47-2132; Filed, Mar. 7, 1947; 8:48 a. m.]

PART 21—INTERNATIONAL POSTAL SERVICE

SERVICE TO FOREIGN COUNTRIES; ALPHABETICAL LIST

The regulations under the country "Germany" (39 CFR, Part 21, Subpart B—Service to Foreign Countries), as amended (12 F R. 706) is further amended as follows:

1. Change first sentence of paragraph (a) (12 F R. 706) to read:

Restricted resumption of mail service to all of Germany. (a) Effective at once ordinary letters weighing not in excess of one pound and non-illustrated post cards may be accepted for transmission either by surface means or air to all of Germany.

2. Change item "Air mail ..... 30 cents half ounce" in paragraph (f) (12 F. R. 706) to read "air mail ..... 15 cents half ounce."

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

[SEAL] J. M. DONALDSON,
Acting Postmaster General.

[F. R. Doc. 47-2133; Filed, Mar. 7, 1947; 8:48 a. m.]

PART 21—INTERNATIONAL POSTAL SERVICE

SERVICE TO FOREIGN COUNTRIES; ALPHABETICAL LIST

Insert the following under "Austria"

AUSTRIA

Regular mails. See Table No. 1, § 21.110 (39 CFR, Part 21, Subpart B—Service to Foreign Countries), for classifications, rates and dimensions. Small packets accepted.
Indemnity. See § 21.105 (39 CFR).
Special delivery. No service.

Money-order service. See page 94, Part I, Postal Guide of 1945.

Dutiable articles (merchandise) prepaid at letter rate. Accepted. (See sec. 3).

Combination packages. Accepted. (See. sec. 12).

Air-mail service. Postage rate, 15 cents per one-half ounce. (See § 21.20).

Observations. Communications addressed to persons in Austria may be on business as well as personal or family matters.

The Postal Administration of Austria has advised that the designations "Ostmark" "Gau" "Wien (Deutschland)" "Niederdonau" "Oberdonau" etc., are no longer correct, but that the names "Osterreich (Austria)" "Bundesland" "Wien (Osterreich)" or "Vienna, Austria" "Niederosterreich (Lower Austria)" and "Oberosterreich (Upper Austria)" should be shown in the address of articles destined for those places.

Prohibitions. No list.

Parcel post. (Austria) (See "Observations" below concerning restrictions.)

[Rates include transit charges and surcharges]

Pounds:	Rate
1	$0.40
2	.54
3	.71
4	.85
5	.99
6	1.13
7	1.27
8	1.45
9	1.59
10	1.73
11	1.87

Weight limit: 11 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: 1 Form 2972.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group shipment: No.
Registration: No.
Insurance: No.
C. O. D.. No.
Exchange offices: New York, Chicago.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Observations. Only one parcel per week may be sent by or on behalf of the same sender to or for the same addressee.

Foodstuffs may be only of such character as to be nonperishable.

The contents of the parcels must be itemized on the customs declaration.

Parcels should bear the full name of the addressee and the complete address, including the Land or Province, when known, city, street and number; also the apartment number if applicable.

Due to many changes of address because of wartime conditions it will probably be impossible to deliver many relief parcels to the original addressees. It may not be practicable to return such parcels to the senders, and postmasters are directed to suggest that senders of relief parcels endorse their parcels to indicate they should be delivered to relief or charitable institutions in the event it is impossible to deliver them to the original addressees.

Prohibitions. No list.

(R. S. 161, 396, sec. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

J. M. DONALDSON,
Acting Postmaster General.

[F. R. Doc. 47-2134; Filed, Mar. 7, 1947; 8:45 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[Docket No. 3666]

PARTS 71–85—TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

MISCELLANEOUS AMENDMENTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 25th day of February 1947.

It appearing that pursuant to section 233 of the Transportation of Explosives Act approved March 4, 1921 (41 Stat. 1445) and Part II of the Interstate Commerce Act, the Commission has formulated and published certain regulations for transportation of explosives and other dangerous articles;

It further appearing, that in application received we are asked to amend the aforesaid regulations as set forth in provisions made part hereof;

It is ordered, That the aforesaid regulations for transportation of explosives and other dangerous articles be, and are hereby, amended as follows:

APPENDIX TO PART 3—SHIPPING CONTAINER SPECIFICATIONS

Superseding and amending paragraph 22, Specification 4B (*Alloy steel cylinders*), order December 18, 1941, to read as follows:

22. *Additional type.* Cylinders without longitudinal welded seam when made for service pressure at least 240 pounds to not over 500 pounds per square inch are authorized provided the cylinders are made of steel approved by the Bureau of Explosives as suitable for use in the fabrication of this additional type of cylinder and the cylinders comply with this specification with exceptions and additional requirements as follows:

(a) *Exceptions.* (1) Yield point not over 75 percent of tensile strength is acceptable.

(2) Wall thickness is acceptable, subject to the additional requirement specified in paragraph 22 (b) (1), as follows:

Inside diameter of cylinder (inches):	Minimum wall thickness* (inch)
15 or less	0.087
over 15 to 16	.092
over 16	.100

*Excluding galvanizing or other protective coating.

(3) Elongation percentages as prescribed in paragraph 16 (a) may be reduced by 2 percent for 2-inch specimens, and 1 percent in other cases, for each 7,500 pounds per square inch increment of tensile strength above 50,000 pounds per square inch up to the maximum of 80,000 pounds per square inch.

(b) *Additional requirements.* (1) Wall stress at test pressure, as calculated under paragraph 9 (b), must not exceed 50 percent of the minimum tensile strength of the steel.

(2) Ratio of length of cylinder to its diameter must not exceed 3.5 when wall thickness is less than 0.100 inch.

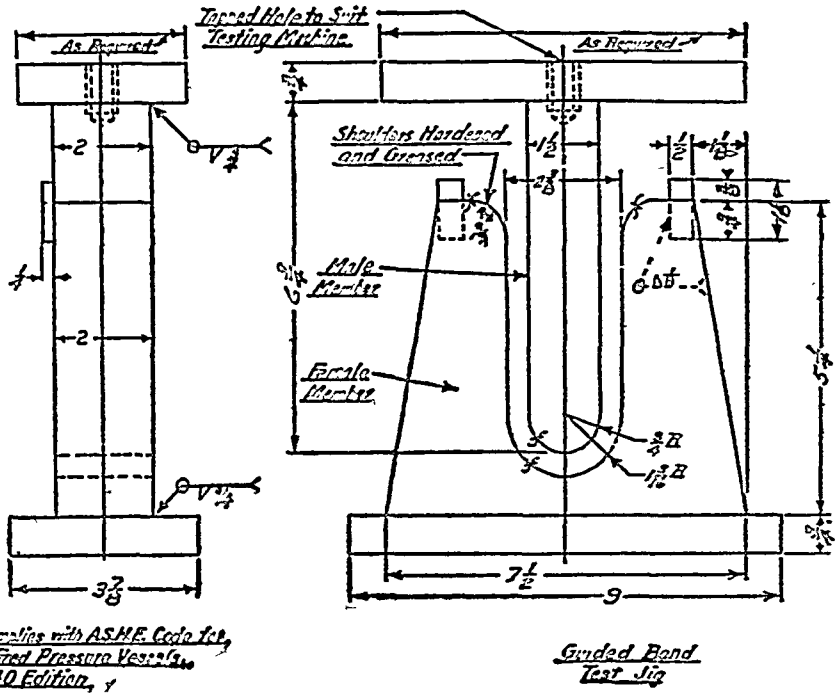
(3) Each cylinder, except when braced throughout, must be thermally stress relieved after all welding operations have been completed and prior to the hydrostatic test.

(4) Weld test specimens must be cut from one cylinder taken at random from each lot of 200 or less cylinders after stress relieving as prescribed and must pass satisfactorily the following tests:

(i) *Tensile test.* Without preparation other than finishing the edges parallel for a distance of approximately 2 inches on each side of the weld, the specimen must be fractured in a tensile test; the unit breaking-load must be at least equal to the minimum unit breaking load in the tensile tests made under the requirements of paragraph 15.

(ii) *Guided bend test.* A specimen 1½ inches wide, on which the edges have been machined parallel and rounded with a file, but without other preparation, shall be bent to refusal in the guided bend jig shown in the drawing as an appendix attachment made part hereof. The root of the weld (inside surface of cylinder) shall be located away

APPENDIX



from the ram of the jig. Any specimen which shows a crack exceeding ⅛ inch in any direction upon completion of the test shall be considered unsatisfactory.

(5) All markings must be applied on a plate of ferrous material attached to the top of the cylinder or permanent part thereof; sufficient space must be left on the plate to provide for stamping at least six retest dates; the plate must not be attached to the side wall of the cylinders; the plate must be at least 1/16 inch thick and it must be attached by welding, or by brazing at a temperature of at least 1400° F. throughout all edges of the plate: *Provided,* That marks may be stamped into the metal of top heads having a thickness of not less than 0.087 inch or the valve boss or valve protecting sleeve or similar part permanently attached to the top end of the cylinder: *Provided further,* That marks other than those prescribed in paragraph 19 may be stamped into the foot ring. Stamping of letters, figures or other marks into the metal of the cylinder for any purpose whatever, except as above authorized, is expressly prohibited. The mark prescribed in paragraph 19 (a) must be as follows: ICC-4B**** stars to be replaced by the service pressure and followed by the letter X (for example ICC-240X, etc.).

(6) Reports of manufacture shall include percentage of each alloying element in the steel and shall state that the cylinders are made under the provisions of paragraph 22 of this specification.

(7) Carbon content of steel must not exceed 0.20 percent.

It is further ordered, That the aforesaid regulations as further amended herein shall be and remain in full force and effect on and after May 25th, 1947, and shall be observed until further order of the Commission;

It is further ordered, That compliance with the aforesaid regulations, as amended, made effective by this order, is hereby authorized on and after date of service hereof;

And it is further ordered, That copies of this order be served upon all parties of record herein, and that notice shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of Federal Register.

(41 Stat. 1445, 49 Stat. 546, 52 Stat. 1237, 54 Stat. 921, 56 Stat. 176; 18 U. S. C. 383, 49 U. S. C. 304)

By the Commission, Division 3.

[SEAL] W P BARTEL, *Secretary.*

[F R. Doc. 47-2050; Filed, Mar. 7, 1947; 8:45 a. m.]

[S. O. 369, Amdt. 9]

PART 95—CAR SERVICE

DEMURRAGE CHARGES ON CLOSED BOX CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 4th day of March A. D. 1947.

Upon further consideration of Service Order No. 369 (10 F. R. 14030), as amended (10 F. R. 15073; 11 F R. 639, 2383, 7857, 8453, 10804, 11013, 14522) and good cause appearing therefor, it is ordered, that:

Section 95.369 *Demurrage charges on closed box cars,* of Service Order No. 369, as amended, be, and it is hereby, further amended by substituting the following paragraph (c) (3) for paragraph (c) (3) thereof:

(c) *Application.* * * *

(3) *Export, import, coastwise or intercoastal traffic.* Import, export, coastwise or intercoastal traffic is subject to this section.

It is further ordered, that this amendment shall become effective at 7:00 a. m., March 15, 1947, and the provisions of this amendment shall apply only to cars on which the free time expires on or after the effective date hereof.

It is further ordered, that a copy of this order and direction shall be served upon each State railroad regulatory body, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-2138; Filed, Mar. 7, 1947; 8:46 a. m.]

[S. O. 653, Amdt. 2]

PART 95—CAR SERVICE

DEMURRAGE CHARGES ON GONDOLA, OPEN AND COVERED HOPPER CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 4th day of March A. D. 1947.

Upon further consideration of Service Order No. 653 (11 F. R. 14572) as amended (12 F R. 128) and good cause appearing therefor, it is ordered, that:

Section 95.653 *Demurrage charges on gondola, open and covered hopper cars,* of Service Order No. 653, as amended, be, and it is hereby, further amended by substituting the following paragraph (c) (3) for paragraph (c) (3) thereof:

(c) *Application.* * * *

(3) *Export, import, coastwise or intercoastal traffic.* Except as shown below, import, export, coastwise or intercoastal traffic is subject to this section.

Exemptions. Import, export, coastwise or intercoastal coal, bulk grain or explosives traffic, during the period such traffic is held in cars at ports for transfer to or from vessels or held at United States-Canadian border crossings, is not subject to this section.

It is further ordered, that this amendment shall become effective at 7:00 a. m., March 15, 1947, and the provisions of this amendment shall apply only to cars on which the free time expires on or after the effective date hereof.

It is further ordered, that a copy of this order and direction be served upon each State railroad regulatory body, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W. P BARTEL, *Secretary.*

[F. R. Doc. 47-2139; Filed, Mar. 7, 1947; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

EVAPORATED MILK

NOTICE OF PROPOSAL TO TERMINATE MARKETING AGREEMENT AND LICENSE FOR EVAPORATED MILK INDUSTRY

Pursuant to section 4 (a) of the Administrative Procedure Act, approved June 11, 1946 (Public Law 404, 79th Cong.) and the authority contained in section 8, Part II, Title I of Act No. 10, 73d Cong. (48 Stat. 34) as amended, and Article XIII of the marketing agreement (Agreement No. 60)[1] for the evaporated milk industry, notice is hereby given that the Secretary of Agriculture is considering a proposal to terminate the aforesaid marketing agreement which was approved and executed by the Secretary of Agriculture May 31, 1935, and the license (License No. 100)[1] for the evaporated milk industry issued by the Secretary of Agriculture May 31, 1935, which licensed certain persons therein described to engage in the marketing in the current of interstate or foreign commerce of evaporated milk, subject to certain terms and conditions stated therein.

All persons who desire to submit written data, views, or arguments in connection with the proposed termination of the aforesaid marketing agreement and license may do so by filing the same in quadruplicate with the Hearing Clerk,

[1] Not filed with the Division of the Federal Register.

Office of the Solicitor, Room 0306, South Building, United States Department of Agriculture, Washington 25, D. C., within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Issued this 4th day of March 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-2140; Filed, Mar. 7, 1947; 8:46 a. m.]

[7 CFR, Part 904]

[Docket AO 14-A-14]

HANDLING OF MILK IN GREATER BOSTON, MASS., MARKETING AREA

NOTICE OF HEARINGS ON PROPOSED AMENDMENTS TO TENTATIVELY APPROVED MARKETING AGREEMENTS

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and in accordance with the applicable rules of practice and procedure, as amended (7 CFR, Cum. Supp., 900.1 et seq., 10 F. R. 11791, 11 F. R. 7737, 12 F. R. 1159) notice is hereby given of a hearing to be held at the City Hall Auditorium, Burlington, Vermont, beginning at 10:00 a. m., e. s. t., March 14, 1947, and at Court Room No. 5, Federal Court Building, Post Office Square, Boston, Massachusetts, beginning at 10:00 a. m., e. s. t., March 17, 1947, for the purpose of receiving evidence with respect to the proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentatively approved marketing agreement, as amended, and to the order, as amended, regulating the handling of milk in the Greater Boston, Massachusetts milk marketing area. The proprosals to delete the present formula method of computing Class I prices or to modify such formula by fixing minimum prices below which the formula prices may not go during specified months raise the question of whether the formula method will operate more satisfactorily to maintain Class I prices at a level which will be consistent with the standards set forth in the act if some or all of the price factors contained in the formula are changed. Similarly, the proposals to change the skim milk value and to revise the special adjustments for butter, cheese, and casein, raise questions concerning the appropriate level of all Class II prices and of all the factors used in the computation of such prices. Evidence with respect to these questions will also be received at the hearing. These proposed amendments have not received the approval of the Secretary of Agriculture.

The proposed amendments with respect to which evidence will be received are as follows:

Proposed by E. M. Dwyer:

1. Amend § 904.3 (a) (8) to read as follows:

(8) The term "Producer-handler" means any handler who receives milk of his own production from no farm located more than 80 miles from the State House in Boston and has no receipts from other producers except producer-handlers.

Proposed by the market administrator:

2. Amend § 904.3 (a) (14) by deleting the words "and from plants designated as pool plants under the New York order (Order No. 27, regulating the handling of milk in the New York metropolitan marketing area) "

3. Revise § 904.3 (a) (15) to read as follows:

(15) The term "emergency milk" means that milk received at a regulated plant during an emergency period from a plant which, in the delivery period or in the portion of a delivery period which immediately preceded the beginning of the emergency period was any nonpool plant other than the plant of a producer-handler or a regulated plant at which the sole source of milk supply consisted of receipts from other handlers.

Proposed by Bellows Falls Cooperative Creamery, Inc., Bethel Cooperative Creamery, Inc., Cabot Farmers Cooperative Creamery Company, Inc., Grand Isle County Cooperative Creamery Association, Inc., Granite City Cooperative Creamery Association, Inc., Maine Dairymen's Association, Inc., Manchester Dairy System, Inc., Milton Cooperative Dairy Corporation, New England Dairies, Inc., New England Milk Producers' Association, Northern Farms Cooperative, Inc., St. Albans Cooperative Creamery, Inc., Shelburne Cooperative Creamery Company, United Farmers Cooperative Creamery Association, Inc., and Vermont Cooperative Creamery, Inc..

4. Amend § 904.6 (a) (1) by deleting the words "from the effective date hereof through February 1947 the price shall not be less than $5.21 per hundredweight;" and substituting therefor the following: "prices by delivery periods shall not be less than the following:

March, April 1947	$5.21
May, June 1947	4.33
July-September 1947	4.77
September 1947-April 1948	5.21

Proposed by Northern Farms Cooperative, Inc., and Maine Dairymen's Association, Inc..

5. Amend § 904.6 (a) (1) (iv) by adding the following proviso: "*Provided, however,* That during the year 1947 the Class I price shall not be less than the following: during the months of March and April, $5.21 per hundredweight; during the months of May and June, $4.33 per hundredweight; during the months of July, August, and September, $4.77 per hundredweight; during the months of October, November, December, and January, 1948, $5.21 per hundredweight."

Proposed by Independent Cooperative Association, Inc. and Eastern New York Dairy Cooperative Association, Inc..

6. Delete § 904.6 (a) (1) and substitute therefor language which provide for a minimum Class I price per hundredweight as follows:

March through June 1947	$4.77
July through October 1947	5.21
November 1947 through January 1948	5.65

Proposed by Vermont Cooperative Creamery, Inc..

7. Amend § 904.6 (a) (1) to provide for a Class I price of $4.77 per hundredweight in May and June.

8. Provide that 44 cents be placed in a seasonal adjustment fund which would be added one-half to the November pool and one-half to the December pool.

9. Provide that in 1948 and succeeding years the Class I price in April, May and June be held at a 44-cent per hundredweight higher level than it would otherwise be, and that the extra 44 cents be retained in a seasonal adjustment fund and distributed in equal amounts in the October, November, and December pools.

Proposed by David Buttrick Company, H. P. Hood & Sons, Inc., Whiting Milk Company, White Brothers Milk Company, and Lyndonville Creamery Association:

10. Amend § 904.6 (b) (3) by deleting the language up to but not including the table and substituting therefor the following:

(3) Compute and plus amount for the skim milk value as follows:

(i) Compute a price for human food products for the delivery period by averaging all of the wholesale price quotations (using the midpoint in any range as one quotation, published during the period for roller process nonfat dry milk solids in "The Producers' Price Current" under the heading of "other brands, human consumption, carlots, bags or barrels:" *Provided,* That if no such quotations or only nominal quotations are published during the delivery period or if the administrator finds that such quotations as are published are higher than prices received by Boston pool handlers during the period, such administrator shall estimate and use in lieu thereof a comparable price for human consumption roller process nonfat dry milk solids f. o. b. New York in carlots, other brands, using as the basis for such estimate market trends since the previous month, price quotations for known brands, prices reported by other agencies for New York or other markets, and prices actually received by Boston pool handlers for sales during the period.

(ii) Compute a price for animal feed products for the delivery period by averaging all of the wholesale price quotations (using the midpoint in any range as one quotation) published during the period for roller process dry skim milk for animal feed in "The Producers' Price Current" under the heading of "other brands, animal feed, carlots, bags or barrels:" *Provided,* That if no such quotations or only nominal quotations are published during the period or if the market administrator finds that such quotations as are published are higher than prices received by Boston pool handlers during the period, such administrator shall estimate and use in lieu thereof a comparable price for roller process dry skim milk for animal feed, f. o. b. New York in carlots, other brands, using as the basis for such estimate market trends since the previous month, price quotations for known brands, prices reported by other agencies for New York

or other markets, and prices actually received by Boston pool handlers for sales during the period.

(iii) Multiply the prices computed in subdivisions (i) and (ii) of this subparagraph by the applicable percentage indicated for the delivery period in the following table, combine the results, subtract 4 cents, and multiply the remainder by 7.5:

DIFFERENTIALS FOR DETERMINATION OF ZONE PRICES

A	B Class I and blend price differentials (cents per cwt.)	C Class II price differentials (cents per cwt.)
City Plant	+46.0	+29.0
41-50	+12.0	+5.0
51-60	+11.0	+5.0
61-70	+10.5	+5.0
71-80	+9.5	+5.0
81-90	+9.0	+5.0
91-100	+8.5	+5.0
101-110	+8.5	+1.5
111-120	+7.5	+1.5
121-130	+7.5	+1.5
131-140	+6.5	+1.5
141-150	+4.5	+1.5
151-160	+3.0	+0.5
161-170	+3.0	+0.5
171-180	+1.0	+0.5
181-190	+1.0	+0.5
191-200	0	+0.5
201-210	(1)	(1)
211-220	−3.5	0
221-230	−4.0	0
231-240	−4.5	0
241-250	−4.5	0
251-260	−5.5	−0.5
261-270	−6.0	−0.5
271-280	−6.5	−0.5
281-290	−7.0	−0.5
291-300	−8.0	−0.5
301-310	−11.0	−1.0
311-320	−11.0	−1.0
321-330	−12.0	−1.0
331-340	−12.0	−1.0
341-350	−12.5	−1.0
351-360	−12.5	−1.5
361-370	−12.5	−1.5
371-380	−13.0	−1.5
381-390	−13.0	−1.5
391 and over	−13.0	−1.5

(1) No differential.

Proposed by Independent Cooperative Association, Inc., and Eastern New York Dairy Cooperative Association, Inc..

11. Revise § 904.6 (b) (3) so that for the year round the skim milk value is based entirely on nonfat dry milk solids, roller process human food products in barrels as published by the United States Department of Agriculture for New York.

Proposed by Bethel Cooperative Creamery, Inc., Cabot Farmers Cooperative Creamery, Inc., Grand Isle County Cooperative Creamery, Inc., Granite City Cooperative Creamery, Inc., Milton Cooperative Dairy Corporation, New England Dairies, Inc., United Farmers Cooperative Creamery Association, Inc., and Shelburne Cooperative Creamery Company:

12. Amend § 904.6 (b) (3) by deleting the table of varying percentages and providing a computation which is a simple average of nonfat dry milk solids for roller process human food products and for hot roller process animal feed products, and by substituting for published price quotations now used, other quotations which more nearly reflect actual market conditions for dairy products in the Boston milk shed.

Proposed by David Buttrick Company, H. P. Hood & Sons, Inc., Whiting Milk Company, and White Brothers Milk Company.

13. Amend § 904.6 (c) by adding the following proviso as a part of the first sentence: *"Provided,* That the minimum price for Class II milk which is received from producers at country plants and is shipped to city plants in the form of whole fluid milk shall be subject to the differentials shown in Column B: *Provided, however,* That the quantity of Class II milk to which such differentials shall apply in any delivery period shall not exceed 6 percent of such handler's sales of Class I milk during the period: *And provided further* That such Class II milk shall be considered to have been received at the plants of the handler next nearest to Boston after the plant allocation of Class I milk pursuant to § 904.6 (a) (2) "

Proposed by the market administrator.

14. Delete the first sentence of § 904.6 (c) and substitute therefor the following: "The Class I, Class II, or blended price for any plant at which milk is received from producers is the respective 201–210 mile zone price plus or minus the applicable differential shown in the following table."

15. Amend § 904.6 (c) by deleting the words "New England Joint Tariff M–4" wherever they appear and substituting the words "New England Joint Tariff M–5."

16. Delete the table in § 904.6 (c) and substitute therefor the following:

Proposed by Northern Farms Cooperative, Inc. and Maine Dairyman's Association, Inc..

17. Amend § 904.6 (e) by deleting the words "April" and "July," and by adding a proviso that, if in the months of April and July the market administrator determines that no outlet for substantial quantities of cream is available, the butter and cheese adjustment provision may be extended to cover the pertinent period in which no such outlet is available.

18. Amend § 904.6 (e) (3) to provide that a handler not be able to account for butterfat in milk received from producers at the butter price when such handler eventually utilizes that butter or equal or similar quantities of butter, regardless of where it was obtained, in ice-cream mix or other dairy products.

Proposed by Bethel Cooperative Creamery, Inc., Cabot Farmers Cooperative Creamery, Inc., Grand Isle County Cooperative Creamery, Inc., Granite City Cooperative Creamery, Inc., Milton Cooperative Dairy Corporation, New England Dairies, Inc., United Farmers Cooperative Creamery Association, Inc., and Shelburne Cooperative Creamery Company.

19. Amend § 904.6 (e) by deleting the words "April, May, June, and July" and adding a proviso in subparagraph (4) as follows: *"Provided,* That with respect to butterfat made into butter during the months of October, November, December, January, and February, the quantity of such butterfat shall be reduced by 5 percent."

20. Amend § 904.6 (e) by eliminating all reference to cheese, and provide a separate cheese adjustment with a price basis similar to that provided for Class IV–B milk under the New York order (Order No. 27, regulating the handling of milk in the New York metropolitan marketing area) such adjustment to apply to butterfat manufactured into cheese in all months of the year, and to include a 5 percent penalty provision for the months of October through February.

21. Amend § 904.6 (e) (3) by adding a proviso as follows: *"Provided,* That butterfat in butter used in the manufacture of some other dairy product shall not be eligible for the adjustment provided in this section, and the value of a handler's milk on which the adjustment has been allowed shall be increased by the amount of said adjustment to the extent that the butter which formed the basis of such adjustment is subsequently used in some other dairy product."

Proposed by Northern Farms Cooperative, Inc., and Maine Dairymen's Association, Inc..

22. Delete § 904.6 (f) and any reference to the casein differential wherever it may appear.

Proposed by Milton Cooperative Dairy Corporation:

23. Amend § 904.6 (f) by deleting the words "during the months of April, May, and June" and adding a proviso to subparagraph (2) as follows: *"Provided,* That in case no quotations are published during the delivery period, the computation for the most recent prior delivery period shall be used: *And provided further* That in the case of any handler with casein on hand made from pool milk, who has registered with the market administrator bona fide offers to sell such casein at current quotations to three or more usual buyers of casein, and as a result bids based on such offers, at less than the offered price, are accepted by the handler, then, to the extent that such selling prices f. o. b. New York basis are less than the computation used for the delivery period in which such casein was made, the value of such handler's milk, for the delivery period in which such sales are consummated, shall be reduced by the amount of casein sold times such price difference."

24. Amend § 904.6 by adding a new paragraph (g) to read as follows:

(g) *Animal feed powder adjustment.* The value of a pool handler's milk computed pursuant to § 904.9 (a) (2) shall be reduced by an amount determined as follows: (1) Compute the difference between the average of quotations for nonfat dry milk solids, human food products, and animal feed products, determined in § 904.6 (b) (3) and multiply such result by 8.3. This result is the animal feed powder differential per hundredweight of skim milk; and (2) multiply the number of hundredweight of skim milk obtained from milk from producers, which was used to make animal feed powder, by the differential determined pursuant to subparagraph (1) of this paragraph.

Proposed by the market administrator.

25. Delete § 904.15 and substitute therefor a new paragraph (g) in § 904.6 to read as follows:

(g) *Emergency changes in formulas for class prices and differentials.* If for any reason a price for any milk product specified by this order for use in computing class prices and for other purposes is not reported or published in the manner described by the order, the market

administrator shall substitute a price determined by the Secretary to be equivalent to or comparable with the price which is specified.

Proposed by New England Milk Producers' Association:

26. Amend § 904.7 (a) by adding a new subparagraph (5) to read as follows:

(5) A full description of the basis for, and the method of determining the amount of, any additional payments that may be made to producers pursuant to § 904.10 (k)

27. Amend § 904.7 (d) by adding a new subdivision (iii) to read as follows:

(iii) The net amount of any additional payments made to such producer pursuant to § 904.10 (k) "

Proposed by the market administrator:

28. Delete § 904.7 (c) and substitute therefor the following:

(c) *Reports regarding individual producers.* (1) Within 10 days after a producer moves from one farm to another, or starts or resumes deliveries to any of a handler's pool plants, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the change took place, and the farm and plant locations involved. The report shall also state, if known, the name of the plant to which the producer had been delivering immediately prior to starting or resuming deliveries, and it shall state whether or not milk from the farm was delivered to a nonpool plant of the handler (or of any person affiliated with or controlled directly or indirectly by the handler) on more than three days in any one of the months of August to January, inclusive, next preceding the effective date of the report.

(2) Within 5 days after the 5th consecutive day on which a producer has failed to deliver to any of a handler's pool plants, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the last delivery was made, and the farm and plant locations involved. The report shall also state, if known, the reason for the producer's failure to continue deliveries.

29. Renumber § 904.7 (f) as § 904.7 (g) and insert a new paragraph (f) to read as follows:

(f) *Maintenance of records.* Each handler shall maintain records which will show and summarize all receipts, movements, and disposition of milk and milk products.

Proposed by David Buttrick Company, H. P. Hood & Sons, Inc., Whiting Milk Company, White Brothers Milk Company, Lyndonville Creamery Association, and J. F. McAdams and Brothers, Inc..

30. Amend § 904.7 by adding a new paragraph (g) to provide a time limit with respect to the retention of records and with respect to re-audits and the issuance of revised billings.

Proposed by David Buttrick Company, H. P. Hood & Sons, Inc., Whiting Milk Company, and White Brothers Milk Company.

31. Amend § 904.8 (c) to provide that the operation of the 3-day provision shall be measured from the date on which the plant first becomes a pool plant of such handler rather than being measured from August 1.

32. Amend § 904.8 (c) to provide that the 3-day provision shall not operate to exclude dairy farmers from the pool in April, May, June, and July because of their milk being delivered to a nonpool plant during the August through January period if such producers were retained on the pay roll if a pool plant and their entire deliveries were reported and credited to the pool as Class I milk.

33. Amend § 904.8 (e) by deleting the words "during the emergency period within the month, whichever is greater" and substituting therefor the words "during that part of the emergency period within the month during which emergency milk is received by such handler, whichever is greater."

Proposed by David Buttrick Company, H. P. Hood & Sons, Inc., Whiting Milk Company, White Brothers Milk Company, and Lyndonville Creamery Association:

34. Amend § 904.8 (d) (2) and (3) by deleting the words "April" and "July."

Proposed by the Market Administrator:

35. Amend § 904.8 (e) (1) by deleting the words "his total supply of milk" and substituting therefor the words "the total volume of milk, flavored milk, skim milk, cultured or flavored skim milk, and buttermilk handled by him."

36. Amend § 904.10 (a) by adding thereto the following sentence: "The provisions of this paragraph shall not apply to any handler who, on or before the 15th day after the end of the delivery period, makes final payment as required by paragraph (b) (1) of this section."

Proposed by New England Milk Producers' Association:

37. Revise § 904.10 (b) (1) to read as follows:

(1) To each producer at not less than the basic blend price per hundredweight, subject to the differentials provided in paragraphs (d) and (e) of this section, and to additional payments, if any, under paragraph (k), of this section, for the quantity of milk delivered by such producer; and

38. Amend § 904.10 by adding a new paragraph (k) as follows:

(k) *Additional payments.* Any handler may make payments to producers in addition to paragraph (b) of this section: *Provided,* That such additional payments shall be made uniformly to all producers delivering milk to such handler: *Provided further,* That any such payments made on the basis of meeting special quality standards shall be made uniformly to all producers delivering milk to such handler which meets such special quality standards: *And provided further,* That such payments shall be in conformity with the additional payment plan of the handler as disclosed in the reports required to be filed pursuant to § 904.7 (a) (5)

39. Amend § 904.10 (d) by adding a proviso as follows: *"Provided,* That any handler during any delivery period, in making payments to producers at any plant for milk of average butterfat content above or below 3.7 percent, may use a butterfat differential not more than 25 percent lower than the differential otherwise provided in this paragraph if such handler notifies the market administrator in advance of his intention to use such lower differential and if such handler uses as the blend price at any such plant a price adjusted to compensate fully for the lower butterfat differential."

Proposed by the market administrator:

40. Revise basis of pooling:

Revise the basis for determining which milk is fully subject to the pricing and payment provisions of the order, set up a method of allocating receipts of "outside milk" to Class II milk, revise the provisions relating to payments to producers through the market administrator, revise the provisions relating to payment of administration expenses, make miscellaneous revisions described herein, and make other changes incidental to and consistent with the other parts of this proposal, so as to produce the methods and results described below.

RECEIPTS FROM PRODUCERS

For any month for which this proposal provides that a given plant be considered as a pool plant, all receipts from dairy farmers at the plant shall be considered as receipts from producers. The only exceptions to this rule are as follows: (1) During the months of April, May, June, and July any milk received at a pool plant from farms from which dairy farmers delivered milk to a nonpool plant of the same handler or an affiliate on more than three days in any any one of the preceding months of August through March shall be considered as receipts from "producers for other markets" (2) receipts from dairy farmers kept separate from the supply for the marketing area shall not be considered subject to the order. Only receipts from producers shall be considered as pool milk and as fully subject to the pricing and payment provisions of the order.

POOL PLANTS

Pool plant status in flush season. No plant shall be considered a pool plant in any of the months of April through July if it was operated by the handler or an affiliate as a nonpool receiving plant in any of the previous months of August through March. This provision shall take precedence over all other portions of this proposal dealing with the status of plants.

Receiving plants with class I disposition directly to consumers. Any receiving plant from which Class I milk is disposed of directly to consumers in the marketing area shall be considered a pool plant in each month in which the handler's total Class I milk in the marketing area amounts to more than 10 percent of his total receipts of milk, flavored milk, skim milk, cultured or flavored skim milk, and buttermilk at all of his plants from which Class I milk was disposed of in the marketing area.

Receiving plants with no class I disposition directly to consumers. I. Requirements for Acquiring Pool Plant Status in August: A receiving plant from which no Class I milk is disposed of directly to consumers in the marketing

area shall be considered a pool plant in August of each year if all the following requirements are met in the month.

(a) The handler's total Class I milk in the marketing area amounts to more than 10 percent of his total receipts of milk, flavored milk, skim milk, cultured or flavored skim milk, and buttermilk at all of his plants from which Class I milk was disposed of in the marketing area.

(b) The plant in question disposes of milk in the marketing area.

(c) A majority of the dairy farmers delivering to the plant hold certificates of registration issued pursuant to Chapter 94, Section 16, of the Massachusetts General Laws.

(d) The milk inspector of a city or town in the marketing area has issued a milk license to the handler pursuant to Chapter 94, Section 40, of the Massachusetts General Laws, or has indicated in writing that a majority of the dairy farmers delivering to the plant are approved sources of supply for milk for sale in his municipality.

2. Requirements for acquiring pool plant status after August:

(a) Any plant which becomes a receiving plant after August shall be considered a pool plant in the first month in which all the requirements for acquiring pool plant status in August are met.

(b) Any plant as to which the identity of the operating handler changes shall be considered a pool plant in the first month of its operation by the new handler in which all the requirements for acquiring pool plant status in August are met.

(c) Any plant which was a nonpool plant in August shall be considered a pool plant in the first month prior to the following April in which all the requirements for acquiring pool plant status in August are met.

3. Requirement for retaining pool plant status: Any receiving plant which has acquired the status of a pool plant shall continue to be considered a pool plant in each month prior to the following August if milk is disposed of in the marketing area from the plant at least every second month.

4. Requirements for returning to pool plant status:

Any receiving plant which becomes a nonpool plant during any of the months of September through March after having been a pool plant in any month subsequent to the preceding July, shall again be considered a pool plant in any given month prior to the following April in which milk is disposed of in the marketing area from the plant, or was so disposed of in the preceding month.

5. Handlers' option to designate plants as nonpool plants:

Regardless of the provisions of Items 1 to 4 above, any plant from which no Class I milk is disposed of directly to consumers in the marketing area shall not be considered a pool plant in any given month for which the handler files written request with the market administrator not later than the 15th of the preceding month that the plant be considered a nonpool plant.

ALLOCATION OF RECEIPTS OF OUTSIDE MILK

All receipts of nonpool milk, flavored milk, skim milk, cultured or flavored skim milk, and buttermilk at a pool plant or the plant of a producer handler or buyer handler, except such receipts from the plant of a producer handler, a New York pool plant, or a plant at which emergency milk is received directly from dairy farmers, shall be treated as Class II milk regardless of the segregation or the specific use of the product so received.

PRODUCER SETTLEMENT PAYMENTS

Payments on nonpool milk disposed of as Class I milk directly to consumers in the marketing area. Each handler, except a producer handler, whose total Class I milk in the marketing area during the month is not more than 10 percent of his total receipts of milk, flavored milk, skim milk, cultured and flavored skim milk, and buttermilk at all of his receiving plants from which Class I milk was disposed of in the marketing area, shall make a payment to the producer settlement fund if any nonpool milk was disposed of as Class I milk directly to consumers from any such plants. Any handler who becomes subject to the provisions of the preceding sentence in any of the months of August through March shall make a payment to the producer settlement fund if he disposes of nonpool milk as Class I milk directly to consumers in the marketing area in any of the following months of April through July. In each case, the payment shall be at the difference between the applicable Class I and Class II prices, and shall be based on the net quantity of nonpool milk so disposed of directly to consumers, after subtracting any receipts of Class I milk from pool plants.

Payments on outside milk. Each pool handler, producer handler, or buyer handler whose receipts of nonpool milk, flavored milk, skim milk, cultured or flavored skim milk, or buttermilk, except such receipts from the plant of a producer handler, a New York pool plant, or a plant at which emergency milk is received directly from dairy farmers, in any month are in excess of his total Class II milk, after deducting receipts of cream, shall make a payment to the producer settlement fund for such excess quantity at the difference between the applicable Class I and Class II prices.

ADMINISTRATION EXPENSE

Delete the present provisions of § 904.12 and substitute the following:

§ 904.12 *Expense of Administration*—(a) *Basis of payment.* Within 23 days after the end of each month, each handler shall make payment to the market administrator of his pro rata share of the expense of administration of the regulations of this part. The payment shall be based on the quantities of each of the following which were handled by the handler during the month:

(1) His receipts of milk from pool producers.

(2) His receipts of outside milk.

(3) The quantity of nonpool milk, other than outside milk, disposed of as Class I milk directly to consumers in the marketing area for which the handler is required to make payment to the producer settlement fund.

(b) *Rate of payment.* The rate of payment shall be 2.5 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe.

MISCELLANEOUS AND INCIDENTAL

Upon receipt of a proper written request by a handler that any of his plants which was a pool plant in the preceding month be designated as a nonpool plant, the market administrator shall promptly notify the producers delivering to the plant of the filing of the request, and of its effect on their status under the order.

Make such other changes in the order as are incidental to, consistent with, or necessary to effectuate the other portions of this proposal. In § 904.3, delete the term "dairy farmer"; redefine the terms "producer," "handler," pool handler," "pool plant," "city plant," and "country plant"; delete the term "delivery period" and substitute therefor the term "month"; and make such other changes in the section as are necessary or incidental in order to give clear effect to this proposal, including the addition of definitions for "pool producer," "receiving plant," "New York order pool plant," and "outside milk."

Copies of this notice of hearing and of the tentatively approved marketing agreement, as amended, and of the order as amended, now in effect, may be procured from the Acting Market Administrator, Room 746, 80 Federal Street, Boston 10, Massachusetts, or from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, Room 0308 South Building, Washington 25, D. C., or may be there inspected.

Dated: March 5, 1947.

[SEAL] E. A. MEYER,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 47-2149; Filed, Mar. 7, 1947; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Part 9]

[Docket No. 8070]

AERONAUTICAL RADIO COMMUNICATION SERVICE

ORDER POSTPONING DATE OF ORAL ARGUMENT

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 27th day of February 1947;

The Commission having under consideration an informal petition from those persons in attendance at a conference held pursuant to Public Notice No. 4266 (12 F. R. 841) to postpone the oral argument scheduled to be heard before the Commission at its offices in Washington, D. C., on February 28, 1947;

It is ordered, That the oral argument heretofore scheduled to be heard on the above entitled matter on February 28, 1947, be, and it is hereby postponed to 10 a. m., March 10, 1947.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-2190; Filed, Mar. 7, 1947; 8:48 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Office of the Secretary

NON-BASIC AGRICULTURAL COMMODITIES

READJUSTMENT IN PRODUCTION

Whereas, section 4 of the act of July 1, 1941, as amended (Sec. 4, 55 Stat. 498, sec. 9 (a) 56 Stat. 768; 15 U. S. C., Sup., 713a–8, 50 U. S. C. App., Sup., 969) provides as follows:

(a) Whenever during the existing emergency the Secretary of Agriculture finds it necessary to encourage the expansion of production of any non-basic agricultural commodity, he shall make public announcement thereof and he shall so use the funds made available under section 3 of this act or otherwise made available to him for the disposal of agricultural commodities, through a commodity loan, purchase, or other operation, taking into account the total funds available for such purpose for all commodities, so as to support, during the continuance of the present war and until the expiration of the two-year period beginning with the first day of January immediately following the date upon which the President by proclamation or the Congress by concurrent resolution declares that hostilities in the present war have terminated, a price for the producers of any such commodity with respect to which such announcement was made of not less than 90 per centum of the parity or comparable price therefor. The comparable price for any such commodity shall be determined and used by the Secretary for the purposes of this section if the production or consumption of such commodity has so changed in extent or character since the base period as to result in a price out of line with parity prices for basic commodities. Any such commodity loan, purchase, or other operation which is undertaken shall be continued until the Secretary has given sufficient public announcement to permit the producers of such commodity to make a readjustment in the production of the commodity. For the purposes of this section, commodities other than cotton, corn, wheat, tobacco, peanuts, and rice shall be deemed to be non-basic commodities.

Whereas, pursuant to the foregoing provisions of law, public announcement has been made by the Secretary of Agriculture to encourage the expansion of production of the following non-basic commodities: Hogs, eggs, chickens and turkeys, milk and butterfat, dry peas of certain varieties, dry edible beans of certain varieties, soybeans for oil, peanuts for oil, flaxseed for oil, American Egyptian cotton, potatoes and sweet potatoes; and

Whereas, the President has, by Proclamation No. 2714, dated December 31, 1946 (12 F. R. 1) declared that hostilities in World War II have terminated;

Now, therefore, I have determined that the period from the date hereof to December 31, 1948, is sufficient to permit the producers of the commodities named hereinabove to make a readjustment in the production of such commodities, and public announcement is hereby made that the obligation of the Department of Agriculture to support the prices of such commodities at not less than 90 per centum of the parity or comparable prices therefor pursuant to the foregoing provisions of law will terminate on December 31, 1948.

(Sec. 4, 55 Stat. 498, sec. 9 (a), 56 Stat. 768; 15 U. S. C., Sup., 713a–8, 50 U. S. C. App., Sup., 969)

Done at Washington, D. C., this 4th day of March 1947. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-2141; Filed, March 7, 1947; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 7793 and 8007]

ANDERSON BROADCASTING CO. INC. AND CAROLINA BROADCASTERS

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Anderson Broadcasting Company, Inc., Anderson, South Carolina, Docket No. 7793, File No. BP–4995; John J. Powell, tr/as Carolina Broadcasters, Anderson, South Carolina, Docket No. 8007, File No. BP– 5476; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 20th day of February 1947;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new standard broadcast station to operate on 1070 kc, with 1kw power, daytime only, at Anderson, South Carolina;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding, § 1.857 of the Commission's rules and regulations not being applicable, at a time and place to be designated by subsequent order of the Commission, each upon the following issues;

1. To determine the legal, technical, financial, and other qualifications of the individual applicant and of the applicant corporation, its officers, directors and stockholders, to construct and operate the proposed stations.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the other pending application in this proceeding, or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-2152; Filed, Mar. 7, 1947; 8:45 a. m.]

[Docket Nos. 7924 and 8144]

PIEDMONT BROADCASTING CO. AND HAROLD H. THOMS

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Charles B. Britt, Joe H. Britt, Vardry D. Ramseur and John Arthur Ramseur, d/b as Piedmont Broadcasting Company, Greenville, South Carolina, Docket No. 7924, File No. BP–5374; Harold H. Thoms, Spartanburg, South Carolina, Docket No. 8144, File No. BP–5779; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 20th day of February 1947;

The Commission having under consideration the above-entitled applications of Charles B. Britt, Joe H. Britt, Vardry D. Ramseur and John Arthur Ramseur, d/b as Piedmont Broadcasting Company requesting a construction permit for a new standard broadcast station to operate on 1440 kc., with 500 w. power, unlimited time, employing a directional antenna at night, at Greenville, South Carolina, and Harold H. Thoms requesting a construction permit for a new standard broadcast station to operate on 1440 kc., with 1 kw. power, unlimited time, employing a directional antenna at Spartanburg, South Carolina;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding, § 1.857 of the Commission's rules and regulations not being applicable, at a time and place to be designated by subse-

quent order of the Commission, each upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the individual applicant and of the applicant partnership and the partners to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the other pending application in this proceeding or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2157; Filed, Mar. 7, 1947; 8:45 a. m.]

[Docket Nos. 8114, 7598, 7950, 7951]

RADIO ENTERPRISES, INC. (KELD) ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Radio Enterprises, Inc. (KELD), El Dorado, Arkansas, John C. McCormack, Allen D. Morris, Prentiss E. Furlow and George D. Wray, Sr., d/b as Radio Station KTBS, Shreveport, Louisiana, Docket No. 8114, File No. BP-5644, Docket No. 7598, File No. BP-4720; James G. Ulmer and James G. Ulmer, Jr., d/b as East Texas Broadcasting Company (KGKB) Tyler, Texas, Docket No. 7950, File No. BP-4769; Hugh J. Powell (KGGF) Coffeyville, Kansas, Docket No. 7951, File No. BMP-2021, for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 14th day of February 1947;

The Commission having under consideration the above-entitled application of Radio Enterprises, Incorporated, requesting a construction permit for a change in frequency and an increas in power of station KELD, El Dorado, Arkansas from 1400 kc, 250 w, unlimited, to 690 kc, 1 kw DA-N, unlimited, and;

It appearing, that the Commission on November 7, 1946, designated for hearing in a consolidated proceeding the applications of James G. Ulmer and James G. Ulmer, Jr., d/b as East Texas Broadcasting Company, Tyler, Texas (File No. BP-4769, Docket No. 7950) requesting a construction permit to change the facilities of station KGKB, Tyler, Texas, from 1490 kc, 250 w, unlimited time to 690 kc, 1 kw, 5 kw, LS, with directional antenna, and Hugh J. Powell, Coffeyville, Kansas (File No. BMP-2021, Docket No. 7951) requesting modification of construction permit to change the authorized facilities of KGGF (BP-2883) from 690 kc, 1 kw, DA, unlimited, to 690 kc, 5 kw, 10 kw, LS, DA, unlimited time, and;

It further appearing, that the Commission on January 30, 1947, designated for hearing in the said consolidate proceeding the application of Radio Station KTBS (File No. BP-4720, Docket No. 7598) requesting a construction permit to change the facilities of station KTBS, Shreveport, Louisiana, from 1480 kc, 1 kw, U, to 710 kc, 5 kw, 10 kw, LS, DA-2, U, which applications have been assigned for hearing at Washington, D. C., on February 20, 1947;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Radio Enterprises, Inc., be, and it is hereby, designated for hearing in the above consolidated proceedings, § 1.857 of the rules and regulations of the Commission not being applicable, at the time and place hereinabove stated, upon the following issues:

1. To determine the technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate station KELD as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of station KELD as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of station KELD as proposed would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of station KELD as proposed would involve objectionable interference with the services proposed in the other applications in this proceeding or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of station KELD as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis, which, if any of the applications in this consolidated proceeding should be granted.

It is further ordered, That the aforesaid orders of the Commission dated November 7, 1946 designating the said applications of James G. Ulmer and James G. Ulmer, Jr., d/b as East Texas Broadcasting Company (KGKB) (Docket No. 7950) and Hugh J. Powell (KGGF) (Docket No. 7951) for hearing in a consolidated proceeding and the order of the Commission dated January 30, 1947, designating the application of Radio Station KTBS (Docket No. 7598) in said consolidated proceeding, be, and they are hereby, amended to include the said application of Radio Enterprises Inc.

It is further ordered, That the petition filed by Radio Enterprises, Inc., requesting designation of its said application in the aforesaid consolidated proceeding be, and it is hereby, dismissed.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F R. Doc. 47-2150; Filed, Mar. 7, 1947; 8:45 a. m.]

[Docket Nos. 8115 and 8116]

JACK GROSS BROADCASTING CO. AND BALBOA RADIO CORP.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of The Jack Gross Broadcasting Company (KFMB) San Diego, California, Docket No. 8115, File No. BP-4415; Balboa Radio Corporation (KLIK), San Diego, California, Docket No. 8116, File No. BP-5622; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 20th day of February 1947;

The Commission having under consideration the above-entitled application of The Jack Gross Broadcasting Company (KFMB) requesting a construction permit to change the frequency and power from 1450 kc, 250 w, unlimited time, to 550 kc, 1 kw, unlimited time, using a directional antenna, and also having under consideration the application of Balboa Radio Corporation (KLIK) requesting a construction permit to change frequency from 740 kc, 5 kw, unlimited time, using a directional antenna, to 550 kc, 5 kw, unlimited time;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding, § 1.857 of the Commission's rules not

being applicable, at a time and place to be designated by subsequent order of the Commission, each upon the following issues:

1. To determine the technical, financial, and other qualifications of the applicant corporations, their officers, directors and stockholders, to construct and operate the stations as proposed.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the stations as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of either station as proposed would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of either station as proposed would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of either station as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2160; Filed, Mar. 7, 1947; 8:46 a. m.]

[Docket No. 8119]

LAKE STATES BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Lake States Broadcasting Company, Milwaukee, Wisconsin, Docket No. 8119, File No. BP-5359; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 20th day of February 1947:

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 1510 kc, 5 kw, unlimited time, using a directional antenna day and night at Milwaukee, Wisconsin;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing, § 1.857 of the Commission's rules not being applicable, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with station WAUX, Waukesha, Wisconsin, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That WAUK Broadcasting Company, permittee of WAUX, Waukesha, Wisconsin, be, and it is hereby, made a party to this proceeding.

It is further ordered, That in view of the foregoing action, the petition filed by WAUK Broadcasting Company, permittee of WAUX, Waukesha, Wisconsin, requesting that the application of Lake States Broadcasting Company (File No. BP-5359) be designated for hearing, be, and it is hereby, dismissed.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2161; Filed, Mar. 7, 1947; 8:46 a. m.]

[Docket Nos. 8120, 8013, 7938]

PACIFICA FOUNDATION ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Pacifica Foundation, Richmond, California, Docket No. 8120, File No. BP-5746; Frank Andrews, Modesto, California, Docket No. 8013, File No. BP-5465; Western Broadcasting Associates, Modesto, California, Docket No. 7938, File No. BP-5336; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 20th day of February 1947;

The Commission having under consideration the above-entitled application of Pacifica Foundation (File No. BP-5746) requesting a construction permit for a new standard broadcast station to operate on 710 kc, 1 kw, daytime only, at Richmond, California; and

It appearing, that the Commission, on December 17, 1946, designated for hearing in a consolidated proceeding the applications of Frank Andrews (File No. BP-5465, Docket No. 8013) requesting a construction permit for a new standard broadcast station to operate on 730 kc, 250 w, daytime only, at Modesto, California, and Western Broadcasting Associates (File No. BP-5336, Docket No. 7938), requesting a construction permit for a new standard broadcast station to operate on 710 kc, 1 kw, daytime only, at Modesto, California, the hearing to be held at Washington, D. C., on March 5, 1947;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Pacifica Foundation (File No. BP-5746) be, and it is hereby, designated for hearing in the above consolidated proceeding, § 1.857 of the Commission's rules not being applicable, at the time and place aforesaid, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders, to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending application of Frank Andrews (File No. BP-5465, Docket No. 8013, and Western Broadcasting Associates (File No. BP-5336, Docket No. 7938), or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the order of the Commission dated December 17, 1947, designating for hearing in a consolidated proceeding the said applications of Frank Andrews and Western Broadcasting Associates, be, and it is hereby, amended to include the above-entitled application of Pacifica Foundation.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F R. Doc. 47-2162; Filed, Mar. 7, 1947; 8:46 a. m.]

[Docket Nos. 8121 and 8122]

PETALUMA BROADCASTERS AND WALTER L. READ

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Howard R. Elvey, Forrest W Hughes, Raymond W Mort, Harold A. Sparks, and John E. Striker, d/b as Petaluma Broadcasters, Petaluma, California, Docket No. 8121, File No. BP-5501, Walter L. Read, Petaluma, California, Docket No. 8122, File No. BP-5762; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 20th day of February 1947;

The Commission having under consideration the above-entitled applications requesting a construction permit for a new standard broadcast station to operate on 1490 kc, 250 w, unlimited time, at Petaluma, California;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding, § 1.857 of the Commission's rules not being applicable, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership and the partners, and of the individual applicant, to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed stations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed stations would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed stations would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installations and operation of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2163; Filed, Mar. 7, 1947; 8:46 a. m.]

[Docket Nos. 8124 and 8123]

ISHPEMING BROADCASTING CO. AND GORDON H. BROZEK

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Ishpeming Broadcasting Company, Ishpeming, Michigan, File No.. BP-5699, Docket No.. 8124; and Gordon H. Brozek, Marquette, Michigan, File No.. BP-5430, Docket No.. 8123; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 20th day of February 1947;

The Commission having under consideration the above-entitled applications of Ishpeming Broadcasting Company for a construction permit for a new standard broadcast station to operate on 1240 kc, 250 w, unlimited time, at Ishpeming, Michigan, and of Gordon H. Brozek for a construction permit for a new standard broadcast station to operate on 1240 kc, 250 w, unlimited time, at Marquette, Michigan:

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby designated for hearing in a consolidated proceeding, § 1.857 of the Commission's rules not being applicable, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the individual applicant and of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed stations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed stations would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed stations would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2164; Filed, Mar. 7, 1947; 8:46 a. m.]

[Docket Nos. 8126 and 8125]

KEWANEE BROADCASTING CO. AND KNOX BROADCASTING CO.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Danver V. Tolle, Emerson Y. Parks, William M. Liddle, and Walter J. Winship, a partnership d/b as Kewanee Broadcasting Company, Kewanee, Illinois, Docket No. 8126, File No. BP-5777; R. C. Goshorn, L. R. Goshorn, and R. L. Rose, a partnership d/b as Knox Broadcasting Company, Galesburg, Illinois, Docket No. 8125, File No. BP-5761, for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 20th day of February 1947;

The Commission having under consideration the above-entitled applications of Danver V Tolle, Emerson Y. Parks, William M. Liddle, and Walter J. Winship, a partnership d/b as Kewanee Broadcasting Company, requesting a permit to construct a new standard broadcast station to operate on 1100 kc, with 250 w power, daytime only, at Kewanee, Illinois; and R. C. Goshorn, L. R. Goshorn, and R. L. Rose, a partnership d/b as Knox Broadcasting Company, requesting a permit to construct a new standard broadcast station to operate on 1110 kc, with 1 kw power, daytime only, at Galesburg, Illinois;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding, § 1.857 of the Commission's rules not

being applicable, at a time and place to be designated by subsequent order of the Commission, each upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership and the partners to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable intereference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2165; Filed, Mar. 7, 1947; 8:46 a. m.]

[Docket Nos. 8127, 8128]

W. W. ROARK AND LEONARD B. BROWN

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of W. W. Roark, Kerrville, Texas, Docket No. 8127, File No. BP-5523; Leonard B. Brown, Kerrville, Texas, Docket No. 8128, File No. BP-5767; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 20th day of February 1947;

The Commission having under consideration the above-entitled applications requesting construction permits for new standard broadcast stations to operate on 1230 kc, with 250 w power, unlimited time, at Kerrville, Texas;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding, § 1,857 of the Commission's rules not being applicable, at a time and place to be designated by subsequent order of the Commission, each upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2166; Filed, Mar. 7, 1947; 8:46 a. m.]

[Docket No. 8129]

HARRY WILLARD LINDER

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Harry Willard Linder, St. Cloud, Minnesota, Docket No. 8129, File No. BP-5650; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 20th day of February 1947;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 1240 kc, with 250 w power, unlimited time, at St. Cloud, Minnesota;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the application of Max H. Levine (File No. BP-5673) requesting a permit to construct a new standard broadcast station to operate on 1240 kc, with 250 w power, unlimited time, at St. Cloud, Minnesota, § 1.857 of the Commission's rules not being applicable, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

8. To determine the overlap, if any, that will exist between the service areas of the proposed station and of station KWLM at Willmar, Minnesota, the nature and extent thereof, and whether such overlap, if any, is in contravention of § 3.35 of the Commission's rules.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2167; Filed, Mar. 7, 1947; 8:46 a. m.]

[Docket Nos. 8135 and 8134]

SPARTANBURG RADIO CO. AND PISGAH BROADCASTING CO. INC.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Sterling W. Wright and Robert L. Easley, partners, d/b as Spartanburg Radio Company, Spartanburg, South Carolina, Docket No. 8135, File No. BP-5763; Pisgah Broadcasting Company, Inc., Brevard, North Carolina, Docket No. 8134, File No. BP-5671; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 20th day of February 1947;

The Commission having under consideration the above-entitled applications of Sterling W Wright and Robert L. Easley, partners, doing business as Spartanburg Radio Company requesting a construction permit for a new standard broadcast station to operate on 1240 kc, with 250 w power, unlimited time, at Spartanburg, South Carolina, and Pisgah Broadcasting Company, Inc., requesting a construction permit for a new standard broadcast station to operate on 1240 kc, with 250 w power, unlimited time, at Brevard, North Carolina;

It appearing, that the Commission on September 12, 1946 and December 5, 1946, respectively, designated for hearing in a consolidated proceeding the applications of J. B. Fuqua (File No. BP-5187; Docket No. 7832) requesting a construction permit for a new standard broadcast station to operate on 1240 kc, with 250 w power, unlimited time, at Greenville, South Carolina and William M. Drace (File No. BP-5434; Docket No. 7988) requesting a construction permit for a new standard broadcast station to operate on 1240 kc, with 250 w power, unlimited time, at Greer, South Carolina;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications of Sterling W. Wright and Robert L. Easley, partners, d/b as Spartanburg Radio Company and Pisgah Broadcasting Company, Inc., be, and they are hereby, designated for hearing in a consolidated proceeding, § 1.857 of the Commission's rules and Regulations not being applicable, with the applications of J. B. Fuqua (File No. BP-5187; Docket No. 7832) and William M. Drace (File No. BP-5434; Docket No. 7988) on February 26, 1947, each upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant partnership and the partners and applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending applications of J. B. Fuqua (File No. BP-5187; Docket No. 7832) William M. Drace (File No. BP-5434; Docket No. 7988) or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the Commission's orders dated September 12, 1946 and December 5, 1946 designating for hearing in a consolidated proceeding the said applications of J. B. Fuqua and William M. Drace, be, and they are hereby, amended to include the said applications of Sterling W. Wright and Robert L. Easley, partners, d/b as Spartanburg Radio Company, and Pisgah Broadcasting Company, Inc., and to include among the issues for hearing, issue No. 7, stated above.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2151; Filed, Mar. 7, 1947; 8:45 a. m.]

[Docket Nos. 8136 and 8137]

CENTRAL BROADCASTING, INC. AND PARSONS BROADCASTING CO.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Central Broadcasting, Inc., Independence, Kansas, Docket No. 8136, File No. BP-5751, Tom Potter, d/b as Parsons Broadcasting Company, Parsons, Kansas, Docket No. 8137, File No. BP-5775; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on 20th day of February 1947;

The Commission having under consideration the above-entitled applications of Central Broadcasting, Inc. requesting a construction permit for a new standard broadcast station to operate on 1010 kc, with 250 w power, daytime only at Independence, Kansas and Tom Potter, d/b as Parsons Broadcasting Company requesting a construction permit for a new standard broadcast station to operate on 1010 kc, with 250 w power, daytime only at Parsons, Kansas;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding, § 1.857 of the Commission's rules and regulations not being applicable, at a time and place to be designated by subsequent order of the Commission, each upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the individual applicant and of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the other pending application in this proceeding or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2153; Filed, Mar. 7, 1947; 8:45 a. m.]

[Docket Nos. 8138 and 8139]

DR. FRANCISCO A. MARQUEZ AND JACINTO SUGRANES

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Dr. Francisco A. Marquez, Aguadilla, Puerto Rico, Docket No. 8138, File No. BP-5615; Jacinto Sugranes, Ponce, Puerto, Rico, Docket No. 8139, File No. BP-5725; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 20th day of February 1947;

The Commission having under consideration the above-entitled applications of Dr. Francisco A. Marquez requesting a construction permit for a new standard broadcast station to operate on 550 kc, with 1 kw power, unlimited time at Aguadilla, Puerto Rico, and Jacinto Sugranes requesting a construction permit for a new standard broadcast station to oper-

ate on 550 kc, with 1 kw power, 5 kw local sunset, unlimited time, at Ponce, Puerto Rico;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding, § 1.857 of the Commission's rules and regulations not being applicable, at a time and place to be designated by subsequent order of the Commission, each upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the other pending application in this proceeding or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2154; Filed, Mar. 7, 1947; 8:45 a. m.]

[Docket Nos. 8140 and 8141]

W W ROARK AND COLEMAN BROADCASTING CO.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of W. W. Roark, Coleman, Texas, Docket No. 8140, File No. BP-5527; R. R. Browning, C. F. Cavanagh, W. A. Powell and Robert D. Browning, d/b as Coleman Broadcasting Company, Coleman, Texas, Docket No. 8141, File No. BP-5794; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 20th day of February 1947;

The Commission having under consideration the above-entitled applications each requesting a construction permit for a new standard broadcast station to operate on 1230 kc, with 250 w power, unlimited time at Coleman, Texas.

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding, § 1.857 of the Commission's rules and regulations not being applicable, at a time and place to be designated by subsequent order of the Commission, each upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the individual applicant and of the applicant partnership and the partners to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the other pending application in this proceeding or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2155; Filed, Mar. 7, 1947; 8:45 a. m.]

[Docket No. 8147]

ADELAIDE LILLIAN CARRELL (WBBZ)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Adelaide Lillian Carrell (WBBZ) Ponca City, Oklahoma, Docket No. 8147, File No. BP-5018; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 20th day of February 1947;

The Commission having under consideration the above-entitled application requesting a construction permit to change the present facilities of station WBBZ, Ponca City, Oklahoma of 1230 kc, 250 w power, unlimited time to 1280 kc, 5 kw, unlimited time;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing, § 1.857 of the Commission's rules and regulations not being applicable, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the technical, financial, and other qualifications of the applicant to construct and operate station WBBZ as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of station WBBZ as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of Station WBBZ as proposed would involve objectionable interference with stations KSOK, Arkansas City, Kansas and KSFT, Trinidad, Colorado, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of Station WBBZ as proposed would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of station WBBZ as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That The Traveler Publishing Company, licensee of Station KSOK, Arkansas City, Kansas and Trinidad Broadcasting Corporation, licensee of Station KSFT, Trinidad, Colorado, be, and they are hereby, made parties to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2159; Filed, Mar. 7, 1947; 8:45 a. m.]

[Docket Nos. 8142 and 8143]

SKY BROADCASTING SERVICE AND LEAVENWORTH BROADCASTING CO.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of A. L. Chilton, Leonore H. Chilton and James Ralph Wood, d/b as Sky Broadcasting Service, Kansas City, Missouri, Docket No. 8142, File No. BP-5373; Alf M. Landon, d/b as Leavenworth Broadcasting Company, Leavenworth, Kansas, Docket No. 8143 File No. BP-5718; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 20th day of February 1947;

The Commission having under consideration the above-entitled applications of A. L. Chilton, Leonore H. Chilton and James Ralph Wood, d/b as Sky Broadcasting Service requesting a construction permit for a new standard broadcast station to operate on 1130 kc, with 1 kw power, daytime only at Kansas City, Misosuri and Alf M. Landon, d/b as Leavenworth Broadcasting Company requesting a construction permit for a new standard broadcast station to operate on 1130 kc, with 1 kw power, daytime only at Leavenworth, Kansas;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby designated for hearing in a consolidated proceeding, § 1.857 of the Commission's rules and regulations not being applicable, at a time and place to be designated by subsequent order of the Commission, each upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the individual applicant and of the applicant partnership and the partners to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the other pending application in this proceeding or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2156; Filed, Mar. 7, 1947; 8:45 a. m.]

[Docket Nos. 8145 and 8146]

SAN JOAQUIN BROADCASTERS AND PUBLIC INTEREST BROADCASTERS

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of R. K. Wittenberg and R. L. Stoddard, d/b as San Joaquin Broadcasters, Fresno, California, Docket No. 8145, File No. BP-5743; Edward W. McCleery and Frank C. McIntyre, d/b as Public Interest Broadcasters, Madera, California, Docket No. 8146, File No. BP-5785; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 20th day of February 1947;

The Commission having under consideration the above-entitled applications of R. K. Wittenberg and R. L. Stoddard, d/b as San Joaquin Broadcasters requesting a construction permit for a new standard broadcast station to operate on 1230 kc. with 100 w. power, unlimited time at Fresno, California and Edward W McCleery and Frank C. McIntyre, d/b as Public Interest Broadcasters requesting a construction permit for a new standard broadcast station to operate on 1230 kc. with 250 w. power, daytime only at Madera, California;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding, § 1.857 of the Commission's rules and regulations not being applicable, at a time and place to be designated by subsequent order of the Commission, each upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership and the partners to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the other pending application in this proceeding or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2158; Filed, Mar. 7, 1947; 8:45 a. m.]

[Docket No. 8109]

RCA COMMUNICATIONS, INC.

ORDER ASSIGNING APPLICATION FOR HEARING

In the matter of RCA Communications, Inc. Handling of United States State Department traffic between New York, N. Y., and Washington, D. C.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 14th day of February 1947;

It appearing that on January 22, 1947, RCA Communications, Inc., filed a new tariff regulation effective February 22, 1947, relating to the handling of official international telegrams of the United States State Department from New York, N. Y., to Washington, D. C., said tariff regulation being designated as follows: RCA Communications, Inc., Tariff F C. C. No. 53, Original Page No. 56A.

It further appearing, that a question is presented as to the lawfulness of said tariff regulation under the provisions of the Communications Act of 1934, as amended, and of Part 61 of the Commission's rules and regulations;

It is ordered, That, pursuant to section 204 of the Communications Act of 1934, as amended, the Commission, upon its own motion and without formal pleading, shall enter upon a hearing concerning the lawfulness of the above-cited tariff regulation;

It is further ordered, That, pursuant to section 204 of the Communications Act of 1934, as amended, the operation of the above-cited tariff regulation be, and it is hereby suspended, until May 22, 1947, unless otherwise ordered by the Commission; and that during said period of suspension, no changes shall be made in

said tariff regulation, or in the regulations, charges, or practices sought to be altered thereby, unless authorized by special permission of the Commission;

It is further ordered, That a copy of this order be filed in the offices of the Commission with said tariff regulation herein suspended; that RCA Communications, Inc., be, and it is hereby, made party respondent to this proceeding; and that a copy hereof be served thereon;

It is further ordered, That this proceeding be, and the same is hereby assigned for hearing on the 24th day of March 1947, beginning at 10:00 a. m. at the offices of the Federal Communications Commission in Washington, D. C.

Notice is hereby given, that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2189; Filed, Mar. 7, 1947; 8:48 a. m.]

BOOSTER OR SYNCHRONOUSLY-OPERATED AMPLIFIER TRANSMITTERS

APPLICATIONS IN CONNECTION WITH STANDARD BROADCAST STATIONS

FEBRUARY 28, 1947.

The present rules and engineering standards applicable to standard broadcast stations make no provision for the assignment or operation of booster or synchronously-operated amplifier stations. In the past a limited number of authorizations for the operation of such facilities have been granted, consideration being given in each case to factors peculiar to the particular area or station concerned.

The Commission is of the opinion that before it grants any further authorizations of this nature a study should be made of the technical problems involved, and an over-all policy adopted regarding extensions of service of certain classes of stations beyond that normally intended. As an aid to the Commission in the making of this study and the formulation of such a policy, comments and suggestions of those who may be interested are invited. This notice is not in any sense to be regarded as a notice of proposed rule-making, but rather as an invitation to interested parties to assist the Commission in the making of an initial survey, preparatory to its rule-making process.

Until the Commission adopts a rule relating to booster stations, all applications for such stations will be placed in the Commission's pending files, and held without action.

Adopted: February 27, 1947.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION, T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2188; Filed, Mar. 7, 1947; 8:48 a. m.]

[Docket Nos. 7059, 8150]

MIDWEST BROADCASTING CO. AND RALEIGH M. SHAW

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Midwest Broadcasting Co., Mount Vernon, Ill., Docket No. 7059, File No. BP-3922; Raleigh M. Shaw, Lawrenceville, Ill., Docket No. 8150, File No. BP-5814; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 27th day of February 1947;

The Commission having under consideration the above-entitled applications of Midwest Broadcasting Company requesting a construction permit for a new standard broadcast station to operate on 1300 kc, 500 w power, daytime only at Mount Vernon, Illinois and Raleigh M. Shaw requesting a construction permit for a new standard broadcast station to operate on 1300 kc, 1 kw power, daytime only, at Lawrenceville, Illinois;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding, § 1.857 of the Commission's rules and regulations not being applicable, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the individual applicant and of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operations of the proposed stations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program services proposed to be rendered and whether they would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operations of the proposed stations would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operations of the proposed stations would involve objectionable interference, each with the other, or with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installations and operations of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2182; Filed, Mar. 7, 1947; 8:49 a. m.]

[Docket No. 7604]

BEE BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re: application of V. L. Rossi and John D. Rossi, d/b as Bee Broadcasting Company, Beeville, Texas, Docket No. 7604, File No. BP-4639; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 6th day of February 1947;

The Commission having under consideration the above-entitled application of Bee Broadcasting Company requesting a construction permit for a new standard broadcast station to operate on 810 kc, with 250 w power, daytime only, at Beeville, Texas, and also having under consideration a petition filed by A. H. Belo Corporation, licensee of Station WFAA, requesting that the said application be designated for hearing and petitioner made a party thereto, the said petition having been joined in by Carter Publications, Inc., licensee of Station WBAP sharing time with the said WFAA, and

It appearing that the operation as proposed in the said application would involve problems of interference with the said time sharing stations, WFAA and WBAP;

It is ordered, That, the said petition of A. H. Belo Corporation be, and it is hereby, granted and that, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing, which is not subject to the provisions of § 1.857 of the Commission's rules and regulations, at a time and place to be designated by subsequent order of the Commission upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership and the partners to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with stations WFAA and WBAP or with any other

existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with either of the Mexican stations XEFW Tampico, Tamaulipas, or station XELO, Juarez, Chihauhua, or any other existing foreign broadcast station, as defined in the North American Regional Broadcasting Agreement, and the nature and extent of such interference.

6. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

7. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That A. H. Belo Corporation, licensee of Station WFAA, Dallas, Texas, and Carter Publications, Inc., licensee of Station WBAP Ft. Worth, Texas, be, and they are hereby, made parties to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2173; Filed, Mar. 7, 1947; 8:50 a. m.]

[Docket Nos. 7627, 8156]

RADIO PHOENIX, INC., AND JOHN C. MULLENS

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Radio Phoenix, Inc., Phoenix, Arizona, Docket No. 7627, File No. BP-4860; John C. Mullens, Phoenix, Arizona, Docket No. 8156, File No. BP-5449; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 27th day of February 1947;

The Commission having under consideration the above-entitled applications of Radio Phoenix, Inc., requesting a construction permit for a new standard broadcast station to operate on 910 kc, with 5 kw power, unlimited time, at Phoenix, Arizona, and John C. Mullens, requesting a construction permit for a new standard broadcast station to operate on 920 kc, with 1 kw power, daytime only, at Phoenix, Arizona;

It is ordered, That, pursuant to section 309 (a) of the Commissions Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding, § 1.857 of the Commission's rules and regulations not being applicable, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the individual applicant and of the applicant corporation, its officers, directors and stockholders, to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operations of the proposed stations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program services proposed to be rendered and whether they would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operations of the proposed stations would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operations of the proposed stations would involve objectionable interference, each with the other, or with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installations and operations of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2183; Filed, Mar. 7, 1947; 8:49 a. m.]

[Docket Nos. 7755, 7756, 8149]

WYANDOTTE BROADCASTING CO. ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Bernard Frant and Louis Glasier, d/b as Wyandotte Broadcasting Co., Wyandotte, Mich., Docket No. 7755, File No. BP-5055; Wyandotte News Company, Wyandotte, Mich., Docket No. 7756, File No. BP-5084; Frederick A. Knorr, Harvey R. Hansen and William H. McCoy, d/b as Suburban Broadcasters (WKMH), Dearborn, Mich., Docket No. 8149, File No. BP-5759; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 27th day of February 1947;

The Commission having under consideration the above-entitled application of Frederick A. Knorr, Harvey R. Hansen and William H. McCoy, d/b as Suburban Broadcasters, requesting a construction permit to change the facilities of Station WKMH, Dearborn, Michigan, from 1540 kc, 1 kw power, daytime only to 1310 kc, 1 kw power, daytime only, and a petition by said applicant to designate its application for hearing in the above-entitled consolidated proceeding;

It appearing, that the Commission on August 7, 1946, designated for hearing in a consolidated proceeding the applications of Bernard Frant and Louis Glasier, d/b as Wyandotte Broadcasting Company (File No. BP-5055, Docket No. 7755) requesting a construction permit for a new standard broadcast station to operate on 1310 kc. 250 w power, daytime only at Wyandotte, Michigan, and Wyandotte News Company (File No. BP-5084, Docket No. 7756) requesting a construction permit for a new standard broadcast station to operate on 1310 kc, 250 w power, daytime only at Wyandotte, Michigan;

It is ordered, That the petition of Suburban Broadcasters, be, and it is hereby, granted.

It is further ordered, That, pursuant to section 309 (a) of the Communications Act of 1934; as amended, the said application of Frederick A. Knorr, Harvey R. Hansen and William H. McCoy, d/b as Suburban Broadcasters be, and it is hereby, designated for hearing in the above consolidated proceeding, § 1.857 of the Commission's rules and regulations not being applicable, to be held on March 17, 1947 at Wyandotte, Michigan, upon the following issues:

1. To determine the technical, financial, and other qualifications of the applicant partnership and the partners to construct and operate station WKMH as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of station WKMH as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of station WKMH as proposed would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of station WKMH as proposed would involve objectionable interference with the services proposed in the pending applications of Bernard Frant and Louis Glasier, d/b as Wyandotte Broadcasting Company (File No. BP-5505, Docket No. 7755) and Wyandotte News Company (File No. BP-5084, Docket No. 7756) or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of station WKMH as proposed would be in compliance with the Commission's rules and Standards of

Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the Commission's orders dated August 7, 1946, designating for hearing in a consolidated proceeding the said applications of Bernard Frant and Louis Glasier, d/b as Wyandotte Broadcasting Company and Wyandotte News Company, be, and they are hereby, amended to include the application of Frederick A. Knorr, Harvey R. Hansen and William H. McCoy, d/b as Suburban Broadcasters, and to include among the issues for hearing, issue No. 7, stated above.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2181; Filed, Mar. 7, 1947; 8:49. a. m.]

[Docket Nos. 7894, 8155]

LINCOLN OPERATING CO. AND SUN COAST BROADCASTING CORP.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Lincoln Operating Company, Miami, Fla., Docket No. 7874, File No. BP-4903; Sun Coast Broadcasting Corp., Coral Gables, Fla., Docket No. 8155, File No. BP-5811, for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 27th day of February 1947;

The Commission having under consideration the above-entitled applications of Lincoln Operating Company requesting a construction permit for a new standard broadcast station to operate on 1140 kc, 5 kw power night, 10 kw power day, unlimited time, employing a directional antenna at Miami, Florida and Sun Coast Broadcasting Corporation requesting a construction permit for a new standard broadcast station to operate on 1130 kc, 1 kw power, daytime only at Coral Gables, Florida;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding, § 1.857 of the Commission's rules and regulations not being applicable, at a time and place to be designated by subsequent order of the Commission, each upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the other pending application in this proceeding or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2180; Filed, Mar. 7, 1947; 8:49 a. m.]

[Docket No. 8105, 8106]

RADIO SOUTH, INC. AND JACKSONVILLE BEACH BROADCASTING CO. (WJVB)

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Radio South, Inc., Jacksonville, Fla., Docket No. 8105, File No. BP-5007; Jacksonville Beach Broadcasting Co. (WJVB), Jacksonville Beach, Fla., Docket No. 8106, File No. BP-5584; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 14th day of February 1947;

The Commission having under consideration the above-entitled applications of Radio South, Inc., for a construction permit for a new standard broadcast station to operate on 1400 kc, 250 w, unlimited time, at Jacksonville, Florida, and of Jacksonville Beach Broadcasting Company (WJVB) Jacksonville Beach, Florida, to change frequency and hours of operation from 1010 kc, 250 w, daytime only, to 1400 kc, 250 w, unlimited time, the request of both applications being contingent on the granting of the application of Station WMBR, Jacksonville, Florida (File No. BP-3036, Docket No. 7081) to change frequency from 1400 kc, to 1460 kc;

It appearing, that, the Commission on January 8, 1947, granted the said application of Station WMBR, Jacksonville, Florida, to change frequency from 1400 to 1460 kc;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications of Radio South, Inc. and Jacksonville Beach Broadcasting Company (WJVB) be, and they are hereby, designated for hearing in a consolidated proceeding, § 1.857 of the Commission's rules not being applicable, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporations, their officers, directors and stockholders to effectuate and carry out the purposes of their applications.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the proposed operations would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the proposed operations would involve objectionable interference, each with the other, or with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the proposed installations and operations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2174; Filed, Mar. 7, 1947; 8:50 a. m.]

[Docket No. 8107]

E. Z. JONES

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of E. Z. Jones, Gainesville, Fla., Docket No. 8107, File No. BP-5516; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 14th day of February 1947;

The Commission having under consideration the above-entitled application for construction permit for a new standard broadcast station to operate on 1230 kc, 250 w, unlimited time, at Gainesville, Florida;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the application of Alachua County Broadcasting Company for construction permit for a new standard broadcast station to operate on 1230 kc, 250 w, unlimited time at Gainesville, Florida (File No. BP-5657) § 1.857 of the Commission's rules not being applicable, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2175; Filed, Mar. 7, 1947; 8:50 a. m.]

[Docket No. 8108]

ALACHUA COUNTY BROADCASTING CORP.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Alachua County Broadcasting Co., Gainesville, Fla., Docket No. 8108, File No. BP-5657; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 14th day of February 1947;

The Commission having under consideration the above-entitled application for construction permit for a new standard broadcast station to operate on 1230 kc, 250 w, unlimited time, at Gainesville, Florida;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the application of E. Z. Jones for construction permit for a new standard broadcast station to operate on 1230 kc, 250 w, unlimited time, at Gainesville, Florida (File No. BP-5516) § 1.857 of the Commission's rules not being applicable, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2176; Filed, Mar. 7, 1947; 8:50 a. m.]

[Docket No. 8132]

ALEXANDRIA RADIO CORP.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Alexandria Radio Corp., Alexandria, Minn., Docket No. 8132, File No. BP-5709; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 20th day of February 1947:

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 1490 kc, with 250 w power, unlimited time, at Alexandria, Minnesota;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the application of Alexandria Broadcasting Corporation (File No. BP-5463) requesting a permit to construct a new standard broadcast station to operate on 1490 kc, with 250 w power, unlimited time, at Alexandria, Minnesota, § 1.857 of the Commission's rules not being applicable, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

8. To determine the overlap, if any, that will exist between the service areas of the proposed station and of station KGDE at Fergus Falls, Minnesota the nature and extent thereof, and whether such overlap, if any, is in contravention of § 3.35 of the Commission's rules.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2170; Filed, Mar. 7, 1947; 8:47 a. m.]

[Docket No. 8023, 8133]

CHEROKEE RADIO CO. AND ROBERT E. LIVERANCE

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Robert E. Liverance, Gaffney, S. C. Docket No. 8023, File No. BP-5264; Cherokee Radio Company, Gaffney, S. C. Docket No. 8133, File No. BP-5768; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 20th day of February 1947;

The Commission having under consideration the above-entitled applications requesting construction permits for a new standard broadcast station to operate on 1170 kc, 250 w power, daytime only, at Gaffney, South Carolina;

It is ordered, That, pursuant to Section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding, § 1.857 of the Commission's rules not being applicable, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the individual applicant and the applicant corporation, its officers, directors, and stockholders, to construct and operate the proposed stations.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed stations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed stations would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed stations would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2171; Filed, Mar. 7, 1947; 8:47 a. m.]

[Docket No. 8130]

MAX H. LAVINE

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Max H. Lavine, St. Cloud, Minnesota, Docket No. 8130, File No. BP-5678; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 20th day of February 1947;

The Commission having under consideration the above-entitled application requesting a permit to construct a new standard broadcast station to operate on 1240 kc, with 250 w power, unlimited time, at St. Cloud, Minnesota;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the application of Harry Willard Linder (File No. BP-5650), requesting a permit to construct a new standard broadcast station to operate on 1240 kc, with 250 w power, unlimited time, at St. Cloud, Minnesota, § 1.857 of the Commission's rules not being applicable, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2163; Filed, Mar. 7, 1947; 8:46 a. m.]

[Docket Nos. 8041, 8048]

SOUTHLAND BROADCASTING CORP. AND MARY W. MARTIN

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Southland Broadcasting Corp., Miami Beach, Fla., Docket No. 8041, File No. BP-5510; Mary W. Martin, Ft. Lauderdale, Fla., Docket No. 8148; File No. BP-5800; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 27th day of February 1947;

The Commission having under consideration the above-entitled applications of Southland Broadcasting Corporation requesting a construction permit for a new standard broadcast station to operate on 1000 kc., with 250 w. power, daytime only at Miami Beach, Florida and Mary W. Martin requesting a construction permit for a new standard broadcast station to operate on 1000 kc., with 1 kw. power, daytime only at Fort Lauderdale, Florida;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding, § 1.857 of the Commission's rules and regulations not being applicable, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the individual applicant and of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operations of the proposed stations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program services proposed to be rendered and whether they would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operations of the proposed stations would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operations of the proposed stations would involve objectionable interference, each with the other, or with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installations and operations of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in

this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2177; Filed, Mar. 7, 1947; 8:48 a. m.]

[Docket No. 8131]

ALEXANDRIA BROADCASTING CORP.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Alexandria Broadcasting Corp., Alexandria, Minn., Docket No. 8131, File No. BP-5463; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 20th day of February 1947;

The Commission having under consideration the above-entitled application requesting a permit to construct a new standard broadcast station to operate on 1490 kc, with 250 w power, unlimited time, at Alexandria, Minnesota;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the application of Alexandria Radio Corporation (File No. BP-5709) requesting a permit to construct a new standard broadcast station to operate on 1490 kc, with 250 w power, unlimited time, at Alexandria, Minnesota, § 1.857 of the Commission's rules not being applicable, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2169; Filed, Mar. 7, 1947; 8:47 a. m.]

[Docket 8151, 8152]

WOODWARD M. RITTER AND EMPIRE BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Woodward M. Ritter, San Bernardino, Calif., Docket No. 8151, File No. BP-4532; Bernard C. Brennan, d/b as Empire Broadcasting Co., Pomona-Ontario, Calif., Docket No. 8152, File No. BP-5813; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 27th day of February 1947;

The Commission having under consideration the above-entitled applications of Woodward M. Ritter requesting a construction permit for a new standard broadcast station to operate on 680 kc, 250 w power, daytime only at San Bernardino, California and Bernard C. Brennan, d/b as Empire Broadcasting Company requesting a construction permit for a new standard broadcast station to operate on 680 kc, 1 kw power, daytime only at Pomona-Ontario, California.

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding, § 1.857 of the Commission's rules and regulations not being applicable, at a time and place to be designated by subsequent order of the Commission, each upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the other pending application in this proceeding or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2178; Filed, Mar. 7, 1947; 8:48 a. m.]

[Docket Nos. 8153, 8154]

FRANCISCO RENTAL CO. AND RIVERSIDE BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of O. E. Bohlen and O. L. Bohlen d/b as Francisco Rental Co., Victorville, Calif. Docket No. 8153, File No. BP-5556; Roy M. Ledford and Kenneth A. Johns, d/b as Riverside Broadcasting Co., Riverside, Calif. Docket No. 8154, File No. BP-5807; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 27th day of February 1947;

The Commission having under consideration the above-entitled applications of O. E. Bohlen and O. L. Bohlen, d/b as Francisco Rental Company requesting a construction permit for a new standard broadcast station to operate on 960 kc, 5 kw power, daytime only at Victorville, California and Roy M. Ledford and Kenneth A. Johns, d/b as Riverside Broadcasting Company requesting a construction permit for a new standard broadcast station to operate on 960 kc, 1 kw power, daytime only at Riverside, California;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding, § 1.857 of the Commission's rules and regulations not being applicable, at a time and place to be designated by subsequent order of the Commission, each upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership and the partners to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the charac-

ter of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the other pending application in this proceding, or in any other pending applications for broadcast facilites and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2179; Filed, Mar. 7, 1947; 8:48 a. m.]

[Docket No. 8157]

PRYOR DILLARD

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Pryor Dillard, Raymondville, Tex., Docket No. 8157, File No. BP-5468; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 27th day of February 1947;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 1340 kc, with 250 w power, unlimited time at Raymondville, Texas;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Pryor Dillard be, and it is hereby, designated for hearing, § 1.857 of the Commission's rules and regulations not being applicable, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the operation of the proposed station would involve objectionable interference with the new Mexican station at Matamoros, Tamaulipas, Mexico, operating on 1340 kc or any other existing foreign broadcast station, as defined in the North American Regional Broadcasting Agreement, and the nature and extent of such interference.

7. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2184; Filed, Mar. 7, 1947; 8:49 a. m.]

EASTERN RADIO CORP.

PROPOSED TRANSFER OF CONTROL [1]

The Commission hereby gives notice that on February 18, 1947 there was filed with it an application (BTC-533) for its consent under section 310 (b) of the Communications Aact to the proposed transfer of control of Eastern Radio Corporation licensee of WHUM, Reading, Pennsylvania, from G. F. Landon, Betty W. Landon, Lucinda Converse, Dorothy B. Woodall, Patricia Bacon and Max O'Rell Truitt to Humboldt J. Greig, J. P. Greig, T. P. Robinson, and R. G. Magee. The proposal to transfer control arises out of a contract of January 17, 1947, pursuant to which above transferors propose to transfer to above transferees the rights now held by Henry Oliver Rea under an agreement of August 16, 1946, between said Rea and G. F. Landon, Betty Landon, Lucinda Converse, Dorothy Woodall, Patricia Bacon, and Max O'Rell Truitt (providing for the purchase by Rea of their Eastern Radio Corporation's bonds and stock, 60 shares out of 110 common voting $1 par value, 54.5% for a consideration of $52,941.16) for a consideration made up as follows: (1) a cash payment of the original purchase price of $52,941.16; (2) a further cash payment of $3,950 representing reimbursement of the amounts expended by said Henry Oliver Rea in perfecting the original agreement; (3) payment of interest at the rate of 3.4% per annum on the sum of $52,941.16 originally deposited in escrow by said Henry Oliver Rea; (4) the release by one of the transferees Humboldt J. Greig of certain valuable contract rights; (5) an agreement on the part of said transferee, Humboldt J. Greig, to obtain substitute bank credit in the amount of $35,000 for a three year period to enable Eastern Radio Corporation to pay off the loan made by said Henry Oliver Rea as part of the consideration for the original purchase contract. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

On July 25, 1946, the Commission adopted § 1.383 (known as § 1.321 effective September 11, 1946) which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application. Pursuant thereto the Commission was advised by letter on February 20, 1947, that starting on February 19, 1947, notice of the filing of the application would be inserted in The Reading Times, a newspaper of general circulation at Reading, Pennsylvania in conformity with the above rule.

In accordance with the procedure set out in said rule, no action will be had upon the application for a period of 60 days from February 19, 1947, within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract. (Sec. 310 (b) 48 Stat. 1086; 47 U. S. C. A. 310 (b))

[SEAL] FEDERAL COMMUNICATIONS COMMISSION, T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2183; Filed, Mar. 7, 1947; 8:49 a. m.]

[1] § 1.321, Part I, Rules of practice and procedure (11 F. R. 177A-411, 13973).

[Docket Nos. 8164, 7875, 8038]

KFNF, INC., ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of KFNF, Inc. (KFNF) Shenandoah, Iowa, Docket No. 8164, File No. BP-5840; Herbert H. Lee, Palmer Dragsten and John E. Hyde, Jr., d/b as Lee-Smith Broadcasting Company, Faribault, Minn., Docket No. 7875; File No. BP-4581; Associated Broadcasters, Inc., Wadena, Minn., Docket No. 8038, File No. BP-5351; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 27th day of February 1947;

The Commission having under consideration the above-entitled application of KFNF, Inc. (File No. BP-5840) request-

ing a construction permit to change the operating assignment of station KFNF from 920 kc, 500 w, 1 kw–LS, ST–KUSD, to 920 kc, 5 kw, DA–N, ST–KUSD;

It appearing, that the Commission on January 2, 1947, designated for hearing in a consolidated proceeding the applications of Herbert H. Lee, Palmer Dragsten and John E. Hyde, Jr., d/b as Lee-Smith Broadcasting Company (File No. BP–4581, Docket No. 7875) requesting a construction permit for a new standard broadcast station to operate on 920 kc, 1 kw, unlimited time, using a directional antenna day and night, at Faribault, Minnesota, and Associated Broadcasters, Inc. (File No. BP–5351, Docket No. 8038) requesting a construction permit for a new standard broadcast station to operate on 920 kc, 1 kw, unlimited time, using a directional antenna nighttime only, at Wadena, Minnesota, the hearing to be held at Washington, D. C., on March 3, 1947·

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of KFNF, Inc. (File No. BP–5840) be, and it is hereby, designated for hearing in the above consolidated proceeding, § 1.857 of the Commission's rules not being applicable, at the time and place aforesaid upon the following issues:

1. To determine the technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate station KFNF as proposed.

2. To determine the areas and populations which may be expected to gain primary service from the operation of station KFNF as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the station as proposed would involve objectionable interference with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the station as proposed would involve objectionable interference with the services proposed in the pending applications of Herbert H. Lee, Palmer Dragsten, and John E. Hyde, Jr., d/b as Lee-Smith Broadcasting Company (File No. BP–4581, Docket No. 7875) and Associated Broadcasters, Inc. (File No. BP–5351, Docket No. 8038) or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of station KFNF as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47–2172; Filed, Mar. 7, 1947; 8:50 a. m.]

WDAS BROADCASTING STATION, INC.

PROPOSED TRANSFER OF CONTROL [1]

The Commission hereby gives notice that on February 25, 1947, there was filed with it an application (BTC–535) for its consent under section 310 (b) of the Communications Act to the proposed transfer of control of WDAS Broadcasting Station, Inc. licensee of AM broadcast Station WDAS, Philadelphia, Pennsylvania from Alexander W. Dannenbaum and Cecile L. Naumburg to William Goldman Theatres, Inc. (Delaware corporation) Goldman Building, 15th and Chestnut Streets, Philadelphia 2, Pa. The proposal to transfer control arise out of a contract of November 6, 1946, pursuant to which the selling stockholders (Alexander W. Dannenbaum and Cecile L. Naumburg) agree to sell all of the 500 shares of common $100 par value voting stock of the licensee of WDAS to William Goldman Theatres, Inc. for a purchase price of $485,000 of which $50,000 has been paid by the purchaser. The balance sale of $435,000 is to be paid by buyers by certified check upon closing designated in the contract as within 20 days of Commission action approving the application. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

On July 25, 1946, the Commission adopted § 1.388 (known as § 1.321 effective September 11, 1946) which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application. Pursuant thereto the Commission was advised by applicants on February 25, 1947, that starting on March 4, 1947, notice of the filing of the application would be inserted in The Philadelphia Bulletin, a newspaper of general circulation at Philadelphia, Pennsylvania in conformity with the above rule.

In accordance with the procedure set out in said rule, no action will be had upon the application for a period of 60 days from March 4, 1947, within which time other pefsons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b) 48 Stat. 1086; 47 U. S. C. A. 310 (b))

[SEAL] FEDERAL COMMUNICATIONS COMMISSION, T. J. SLOWIE, *Secretary.*

[F R. Doc. 47–2185; Filed, Mar. 7, 1947; 8:49 a. m.]

[1] § 1.321, Part I, Rules of practice and procedure (11 F. R. 177A–411, 13973).

RADIO STATION WFIG, INC.

PROPOSED TRANSFER OF CONTROL [1]

The Commission hereby gives notice that on February 17, 1947, there was filed with it an application (BTC–531) for its consent under section 310 (b) of the Communications Act to the proposed transfer of control of WFIG, Inc., licensee of WFIG, Sumter, South Carolina, from J. Samuel Brody, T. Douglas Youngblood, and Ruth B. Brody to Hubert D. Osteen, Robert E. Graham, Ernest C. Stroman, Clifton G. Brown, Fulton B. Creech, John Clarke Hughes, William C. McManus, Julius E. Eldridge, William C. Eldridge, S. F Stoudenmire, Edwin L. Freeman, William G. Blackwell, A. T. Heath, Jr., Bert L. Montague, Simon K. Rowland, George B. Sibert, Maurice B. Morrow, and Jasper H. Lawson. The proposal to transfer control arises out of a contract of January 31, 1947, pursuant to which the following stockholders of WFIG, Inc., will transfer the following shares of stock therein: J. Samuel Brody, 55 shares; T. Douglas Youngblood, 5 shares; and Ruth B. Brody, 20 shares, to the following individuals who will hold the following shares of stock: Hubert D. Osteen, 21 shares; Robert E. Graham, 20; Ernest C. Stroman, 20; Clifton G. Brown, 4; Fulton B. Creech, 1, John Clarke Hughes, 1, William G. McManus, 1, Julius E. Eldridge, 1, William C. Eldridge, 1; S. F Stoudenmire, 2; Edwin L. Freeman, 1, William G. Blackwell, 1, A. T. Heath, Jr., 1, Bert L. Montague, 1, Simon K. Rowland, 1, George B. Sibert, 1, Maurice B. Morrow, 1, and Jasper H. Lawson, 1 share for a total consideration of $57,061 (this represents a sale value of $713.27 for each of the shares of the common stock presently having a par value of $100 to be sold) plus certain other sums to be determined in accordance with said contract subject to the terms and conditions provided in said contract. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

On July 25, 1946, the Commission adopted § 1.388 (known as § 1.321 effective September 11, 1946) which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application. Pursuant thereto the Commission was advised at the time of the filing of the application on February 17, 1947, that starting on February 20, 1947, notice of the filing of the application would be inserted in The Sumter Daily Item a newspaper of general circulation at Sumter, South Carolina, in conformity with the above rule.

In accordance with the procedure set out in said rule, no action will be had upon the application for a period of 60 days from February 20, 1947, within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b) 48 Stat. 1086; 47 U. S. C. A. 310 (b))

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-2187; Filed, Mar. 7, 1947; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket No. IT-6042]

NORTHERN STATES POWER CO.

NOTICE OF APPLICATION

MARCH 4, 1947.

Notice is hereby given that on March 3, 1947, an Application was filed with the Federal Power Commission pursuant to section 203 of the Federal Power Act by Northern States Power Company ("Northern States") a corporation organized under the laws of the State of Wisconsin, with its principal business office at Eau Claire, Wisconsin and doing business in the States of Wisconsin and Minnesota, seeking an order authorizing it to merge and consolidate into its own facilities the facilities of the City of Colby, a Wisconsin municipality, consisting of an electric distribution system serving the City of Colby and approximately thirty rural customers adjacent thereto, for a consideration stated in the application to be $55,000 in cash; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 22d day of March 1947, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-2145; Filed, Mar. 7, 1947; 8:47 a. m.]

[Docket No. G-705]

TENNESSEE GAS AND TRANSMISSION CO.

NOTICE OF ORDER ACCEPTING RATE SCHEDULE FOR FILING AND TERMINATING PROCEEDING

MARCH 5, 1947.

Notice is hereby given that, on March 4, 1947, the Federal Power Commission issued its order entered March 4, 1947, accepting rate schedule for filing and terminating proceeding in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-2143; Filed, Mar. 7, 1947; 8:46 a. m.]

[Docket No. G-863]

MISSISSIPPI RIVER FUEL CORP.

NOTICE OF APPLICATION

MARCH 4, 1947.

Notice is hereby given that on February 17, 1947, Mississippi River Fuel Corporation (Applicant) a Delaware corporation having its principal place of business at St. Louis, Missouri, and authorized to do business in the States of Illinois, Missouri, Arkansas and Louisiana, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicant to construct and operate a series of loop lines and additional horsepower to provide an additional loop line from its Perryville, Louisiana, compressor station to St. Louis, Missouri, as follows:

(1) 188.5 miles of 22-inch pipeline;
(2) 2.3 miles of 12-inch pipeline in 4-line manifolds at creek crossings;
(3) 18.5 miles of 10-inch pipeline in 6-line manifolds at river crossings;
(4) Four 1000 H. P. compressor units at Perryville Station;
(5) Four 1000 H. P. compressor units at West Point Station;
(6) Three 1000 H. P. compressor units at Twelve Mile Station.

Applicant states that a certificate of convenience and necessity was issued to it in Federal Power Commission Docket No. G-713, authorizing the installation of partial loops and additional horsepower to increase the deliverable capacity of Applicant's system to 183 million cubic feet per day. The proposed new facilities will consist of a series of partial loops to connect with existing and authorized loop sections along Applicant's original 22-inch pipeline, an extension of the authorized Alton loop line to a point in Granite City, Illinois, and adding horsepower to that existing and authorized at Applicant's compressor stations hereinbefore mentioned.

Applicant proposes to operate the original line and compressor stations at its present pressure limit of 425 pounds per square inch and the new complete loop line and added horsepower at a maximum pressure of 700 pounds per square inch. Applicant recites that the additional facilities involved herein will increase deliverable capacity of its entire system by approximately 83 million cubic feet per day to an estimated total of 266 million cubic feet per day.

Applicant recites that the service proposed to be rendered by Applicant is primarily that of meeting the increased demands of Applicant's existing and authorized customers, both utility customers to which gas is sold for resale, and industrial customers to which gas is sold for direct consumption.

Applicant states that in order to meet the requirements of utility customers it has been necessary to curtail and interrupt its firm direct sale gas customers upon numerous occasions since November 1946, resulting in plant shutdowns of industries in the greater St. Louis area. It is anticipated that the house-heating load of Applicant's utility customers will continue to increase, and large construction programs are under way which will require all types of domestic service. It is asserted that industrial consumers in the whole area served by Applicant are in need of additional gas and on the basis of capacity authorized in Federal Power Commission Docket No. G-713 Applicant will not be able to supply those demands.

Applicant's gas supplies are obtained from the Monroe Field in Louisiana under contracts expiring in 1951, and from the Carthage Field in Texas under a contract recently entered into with United Gas Pipe Line Company. Applicant states that under the terms of the agreement with United Gas Pipe Line Company it can call upon that company to meet Applicant's full requirements, including any deficiency not served by its other producers, for a period of 20 years ending in 1966.

The estimated total over-all cost of the proposed facilities is $10,200,000, not including cost of financing, which Applicant proposes to finance by an issue of common stock, together with loans from financial institutions. No commitment has been made from any financial source for consummating a loan.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of the Commission's rules of practice and procedure and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with the reasons for such request.

The application of Mississippi River Fuel Corporation is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of the rules of practice and procedure (effective September 11, 1946) and shall set out clearly and concisely the facts from which the nature of the petitioner's or protestant's alleged right or interest can be determined. Petitions for intervention shall state fully and completely the grounds of the proposed intervention and the contentions of the petitioner in the proceeding, so as to advise the parties and the Commission as to the issues of fact or law to be raised or controverted, by admitting, denying, or explaining, specifically and in detail, each material allegation of fact or law asserted with respect to the application.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-2144; Filed, Mar. 7, 1947; 8:46 a. m.]

OFFICE OF TEMPORARY CONTROLS

Civilian Production Administration

[C-484]

JOY ACRES, INC.

CONSENT ORDER

Joy Acres, Inc., a New York Corporation located at 257 South Broadway, Nyack, N. Y., is engaged in the real estate business. Murray Stern is President of

said corporation. Joy Acres, Inc. is charged by the Civilian Production Administration with violations of Veterans' Housing Program Order 1 in that (1) on or about January 3, 1947 it began construction, repairs, additions and alterations, without authorization, and at a cost in excess of $400 of a summer residence bungalow approximately 22' x 32' located at Joy Acres, Camp Drive, Valley Cottage, New York; (2) on and after January 3, 1947, it carried on construction, repairs, additions and alterations, without authorization, and at a cost in excess of $400 of a summer residence bungalow approximately 22' x 32' located at Joy Acres, Camp Drive, Valley Cottages, New York; (3) on or about January 3, 1947, it began construction, repairs, additions and alterations, without authorization, and at a cost in excess of $400 of a summer residence duplex bungalow approximately 30' x 40' located at Joy Acres, Camp Drive, Valley Cottage, New York; (4) on and after January 3, 1947, it carried on construction, repairs, additions and alterations, without authorization, and at a cost in excess of $400 of a summer residence duplex bungalow approximately 30' x 40' located at Joy Acres, Camp Drive, Valley Cottage, New York.

Joy Acres, Inc. admits the violations charged and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of Joy Acres, Inc., the Regional Compliance Director and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) Neither Joy Acres, Inc., its successors and assigns, nor any other person shall do any further construction on the premises located at Joy Acres, Camp Drive, Valley Cottage, N. Y., including the putting up, completing or altering of any of the structures located on said premises, unless hereafter specifically authorized in writing by the Civilian Production Administration.

(b) Joy Acres, Inc., shall refer to this order in any application or appeal which they may file with the Civilian Production Administration for priorities assistance or for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Joy Acres, Inc., its successors and assigns, from any restriction, prohibition or provision contained in any other order, or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 7th day of March 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-2302; Filed, Mar. 7, 1947; 11:15 a. m.]

[C-486]

CORNELIUS MORAN AND ERNEST KYLE

CONSENT ORDER

Cornelius Moran and Ernest Kyle formed a partnership for the purpose of operating a bar and grill in Syosset, L. I., N. Y. Cornelius Moran and Ernest Kyle are charged by the Civilian Production Administration with violation of Veterans' Housing Program Order 1 in that (1) on or about September 1, 1946 they began construction, without authorization, and at a cost in excess of $1,000, of a commercial building located at Jackson and Convent Avenues, Syosset, L. I., N. Y., (2) on and after September 1, 1946 they carried on construction, repairs, additions and alterations, without authorization, and at a cost in excess of $1,000, of a commercial building located at Jackson and Convent Avenues, Syosset, L. I., N. Y.

Cornelius Moran and Ernest Kyle admit the violations charged and have consented to the issuance of this order.

Wherefore, upon the agreement and consent of Cornelius Moran and Ernest Kyle, the Regional Compliance Director and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) Neither Cornelius Moran nor Ernest Kyle, their successors and assigns, nor any other person shall do any further construction on the premises located at Jackson and Convent Avenues, Syosset, L. I., N. Y., including putting up, completing or altering of any of the structures located on said premises, unless hereafter specifically authorized in writing by the Civilian Production Administration.

(b) Cornelius Moran and Ernest Kyle shall refer to this order in any application or appeal which they may file with the Civilian Production Administration for priorities assistance or for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Cornelius Moran and Ernest Kyle, their successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 7th day of March 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-2304; Filed, Mar. 7, 1947; 11:16 a. m.]

[C-485]

CONGERS REALTY CO.

CONSENT ORDER

Congers Realty Co., a New York Corporation located at 257 South Broadway, Nyack, N. Y., is engaged in the real estate business. Murray Stern is President of said corporation. Congers Realty Co. is charged by the Civilian Production Administration with violations of Veterans' Housing Program Order 1 in that (1) on or about January 3, 1947 it began construction, repairs, additions and alterations, without authorization, and at a cost in excess of $400 of a summer residence bungalow approximately 22' x 32' located at Congers Lake Camp, Prescott Avenue, Congers, N. Y., (2) on and after January 3, 1947 it carried on construction, repairs, additions and alterations, without authorization, and at a cost in excess of $400 of a summer residence bungalow approximately 22' x 32' located at Congers Lake Camp, Prescott Avenue, Congers, N. Y., (3) on or about January 3, 1947 it began construction, repairs, additions and alterations, without authorization, and at a cost in excess of $400 of a summer residence duplex bungalow approximately 22' x 40' located at Congers Lake Camp, Prescott Avenue, Congers, N. Y., (4) on and after January 3, 1947 it carried on construction, repairs, additions and alterations, without authorization, and at a cost in excess of $400 of a summer residence duplex bungalow approximately 22' x 40' located at Congers Lake Camp, Prescott Avenue, Congers, N. Y.

Congers Realty Co. admits the violations charged and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of Congers Realty Co., the Regional Compliance Director and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) Neither Congers Realty Co., its successors and assigns, nor any other person shall do any further construction on the premises located at Congers Lake Camp, Prescott Avenue, Congers, N. Y., including the putting up, completing or altering of any of the structures located on said premises, unless hereafter specifically authorized in writing by the Civilian Production Administration.

(b) Congers Realty Co. shall refer to this order in any application or appeal which it may file with the Civilian Production Administration for priorities assistance or for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Congers Realty Co., its successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 7th day of March 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-2303; Filed, Mar. 7, 1947; 11:15 a. m.]

[C-487]

SILVER STAR REALTY CORP.

CONSENT ORDER

Silver Star Realty Corp., a New York Corporation located at 2019 W 5th Street, Brooklyn, N. Y., operates an athletic club for men. S. Salvatori Strazzanti is President of said corporation. Silver Star Realty Corp. is charged by the Civilian Production Administration with violations of Veterans' Housing Program Order 1 in that (1) on or about November 4, 1946, it began construction, repairs, additions and alterations, without authorization, and at a cost in

excess of $1,000, of a commercial building located at 2407–2409 McDonald Avenue, Brooklyn, N. Y., (2) on and after November 4, 1946 it carried on construction, repairs, additions and alterations, without authorization, and at a cost in excess of $1,000, of a commercial building located at 2407–2409 McDonald Avenue, Brooklyn, N. Y.

Silver Star Realty Corp. admits the violation charged and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of Silver Star Realty Corp., the Regional Compliance Director and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered,* That:

(a) Neither Silver Star Realty Corp., its successors and assigns, nor any other person shall do any further construction on the premises located at 2407–2409 McDonald Avenue, Brooklyn, N. Y., including the putting up, completing or altering of any of the structures located on said premises, unless hereafter specifically authorized in writing by the Civilian Production Administration.

(b) Silver Star Realty Corp. shall refer to this order in any application or appeal which it may file with the Civilian Production Administration for priorities assistance or for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Silver Star Realty Corp., its successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 7th day of March 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-2305; Filed, Mar. 7, 1947; 11:16 a. m.]

[C-488]

LESTER LOCKWOOD ENTERPRISES, INC.

CONSENT ORDER

Lester Lockwood Enterprises, Inc., a New York Corporation located at 2577 Bedford Avenue, Brooklyn, N. Y., operates a social club. Lester Lockwood is President of said corporation. Lester Lockwood Enterprises, Inc., is charged by the Civilian Production Administration with violations of Veterans' Housing Program Order in that (1) on or about September 5, 1946 it began construction, repairs, additions and alterations, without authorization, and at a cost in excess of $1,000, of a commercial building located at 2577 Bedford Avenue, Brooklyn, N. Y., (2) on and after September 5, 1946 it carried on construction, repairs, additions and alterations, without authorization, and at a cost in excess of $1,000, of a commercial building located at 2577 Bedford Avenue, Brooklyn, N. Y.

Lester Lockwood Enterprises, Inc. admits the violation charged and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of Lester Lockwood Enterprises, Inc., the Regional Compliance Director and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered,* That:

(a) Neither Lester Lockwood Enterprises, Inc., its successors and assigns, nor any other person shall do any further construction on the premises located at 2577 Bedford Avenue, Brooklyn, N. Y., including the putting up, completing or altering of any of the structures located on said premises, unless hereafter specifically authorized in writing by the Civilian Production Administration.

(b) Lester Lockwood Enterprises, Inc., shall refer to this order in any application or appeal which they may file with the Civilian Production Administration for priorities assistance or for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Lester Lockwood Enterprises, Inc., its successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 7th day of March 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-2306; Filed, Mar. 7, 1947; 11:16 a. m.]

[C-489]

TONY GRANDE

CONSENT ORDER

Tony Grande is the operator of a tavern located at Long Branch, New Jersey. He is charged by the Civilian Production Administration with violations of Veterans' Housing Program Order 1 in that (1) on or about August 27, 1946, he began construction, repairs, additions and alterations, without authorization, and at a cost in excess of $1,000, of a commercial building located on the southwest corner of Westwood and Morris Avenues, Long Branch, N. J., (2) on and after August 27, 1946, he carried on construction, without authorization, and at a cost in excess of $1,000, of a commercial building located on the southwest corner of Westwood and Morris Avenues, Long Branch, N. J.

Tony Grande admits the violations charged and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of Tony Grande, the Regional Compliance Director and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered,* That:

(a) Neither Tony Grande, his successors and assigns, nor any other person shall do any further construction on the premises located on the southwest corner of Westwood and Morris Avenues, Long Branch, N. J., including the putting up, completing or altering of any of the structures located on said premises, unless hereafter specifically authorized in writing by the Civilian Production Administration.

(b) Tony Grande shall refer to this order in any application or appeal which he may file with the Civilian Production Administration for priorities assistance or for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Tony Grande, his successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 7th day of March 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-2307; Filed, Mar. 7, 1947; 11:16 a. m.]

[C-490]

ALBERT GREENBERG

CONSENT ORDER

Albert Greenberg of 69 Humboldt Street, Willits, California, is the owner of the premises located at the Northwest corner of Mendocino Street, Willits, California. Mr. Greenberg was constructing a building on the aforesaid premises, 24 x 128 feet of concrete block construction, the estimated cost of construction is $14,500. Mr. Greenberg filed an application on Civilian Production Administration Form 4423 with the Construction Division on May 21, 1946. This application was denied, the denial appealed, and the appeal denied on November 7, 1946, in Washington. Construction was begun on or about November 6, 1946 by the pouring of foundations. This construction is in violation of paragraph (c) (1) of VHP-1, as amended October 7, 1946.

Mr. Greenberg does not desire to contest the charge made and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of Albert Greenberg, the Regional Compliance Director and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered,* That:

(a) Neither Albert Greenberg, his successors or assigns, nor any other person acting in his behalf, shall do any further construction on the premises located on the Northwest corner of Mendocino and Main Streets, Willits, California, unless hereafter specifically authorized in writing by the Civilian Production Administration.

(b) This order shall be mentioned in connection with any application or appeal for authorization to complete the said structure that may hereafter be filed

with the Civilian Production Administration.

(c) Nothing contained in this order shall be deemed to relieve Albert Greenberg, his successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 7th day of March 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc, 47-2308; Filed, Mar. 7, 1947; 11:16 a. m.]

[C-491]

ERNEST W MARKHAM

CONSENT ORDER

Ernest W Markham of Fort Bragg, California, is a general contractor licensed by the State of California. Ernest W Markham is engaged by Mr. Greenberg to construct a one-story building of concrete block construction on the Northwest corner of Mendocino and Main Streets, Willits, California, the estimated cost of which is $14,500, or $13,500 in excess of the small job allowance, provided for by Supplement 3 to VHP-1, as amended October 7, 1946. To date the sum of $1,600.34 has been expended for materials and $783.25 for labor. This construction is in violation of paragraph (c) (1) of VHP-1, as amended October 7, 1946.

Ernest W Markham does not desire to contest the charge made, and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of Ernest W Markham, the Regional Compliance Director, the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That

(a) Neither Ernest W Markham, his successors or assigns, nor any other person acting in his behalf, shall do any further construction on the premises located on the Northwest corner of Mendocino and Main Streets, Willits, California.

(b) Nothing contained in this order shall be deemed to relieve Ernest W. Markham, his successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 7th day of March 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-2309; Filed, Mar. 7, 1947; 11:17 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-98 and 59-87]

WASHINGTON RAILWAY AND ELECTRIC CO. ET AL.

NOTICE OF FILING AMENDMENT TO APPLICATION, ORDER REOPENING PROCEEDINGS AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 3d day of March 1947.

In the matter of Washington Railway and Electric Company, File No. 54-98; Washington Railway and Electric Company, The Washington and Rockville Railway Company, of Montgomery County, and their subsidiary companies and The North American Company, File No. 59-87.

Notice is hereby given that Washington Railway and Electric Company (Washington Railway) a registered holding company and a subsidiary of The North American Company, also a registered holding company filed, on March 3, 1947, an amendment to its Amended Plan (File No. 54-98) filed on August 30, 1946 pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 (the act) for the purpose of simplification of its holding company system. All interested persons are referred to said amendment which is on file in the office of this Commission for a statement of the provisions therein proposed, which may be summarized as follows:

Washington Railway proposes, among other things, to modify the provisions of its Amended Plan so as to provide for: (a) An increase in the number of shares of new Common Stock of its subsidiary Potomac Electric Power Company, (Potomac Electric) proposed to be issued by that company under the provisions of said Amended Plan and (b) an increase in the number of such shares of new Common Stock of Potomac Electric proposed to be delivered to the holders of shares of the outstanding Preferred Stock of Washington Railway upon retirement of said Preferred Stock.

Under the provisions of said amendment, Washington Railway proposes to issue to the holders of its 85,000 outstanding shares of 5% Preferred Stock, par value $100 per share, in lieu of their present holdings, for each share of such stock, (1) one share of new --% Preferred Stock of Potomac Electric, of the par value of $50 per share and having the same terms and provisions, except as to dividend rate, as the 3.60% Preferred Stock described in the Amended Plan; (2) four and one quarter (4¼) (in lieu of 3½ shares as provided for in the Amended Plan) shares of Common Stock of Potomac Electric, having a par value of $10 per share; and (3) accrued dividends upon the 5% Preferred Stock of Washington Railway to the date upon which the Amended Plan, as amended, is declared effective, less the amount of the dividends accruing on the new --% Preferred Stock of Potomac Electric, prior to that date.

The dividend rate on the new Preferred Stock proposed to be issued by Potomac Electric will be 3.60% or such higher rate as may be deemed necessary by Potomac Electric in order to obtain a price to it of not less than $50 per share for the 140,000 shares of such stock proposed to be sold at competitive bidding for the purpose of financing the redemption of the presently outstanding Preferred Stocks of Potomac Electric.

No fractional shares of Common Stock of Potomac Electric will be issued but, in lieu thereof, there will be issued non-dividend bearing, non-voting, scrip certificates in registered form, entitling the holder thereof, in combination with other scrip certificates, to receive, for a period of two years, full shares of Common Stock of Potomac Electric in exchange therefor. At the expiration of such period, Potomac Electric will sell the unissued shares of Common Stock represented by the scrip certificates still outstanding, and will pay the net proceeds proportionately to the holders of the scrip certificates then outstanding.

The number (2,897,500) of shares of the new Common Stock of Potomac Electric proposed to be issued and outstanding under the provisions of the Amended Plan will be increased under the provisions of said amendment by 63,750 additional shares to provide for the proposed increased allocation of such shares of stock to the holders of the 5% Preferred Stock of Washington Railway. The provisions of the Amended Plan for the holders of Common Stock of Washington Railway (including the interests therein which are represented by participating units) are not changed.

Washington Railway requests that the Commission (by order entered as a part of its approval of the liquidation program outlined in the Amended Plan, as amended) permit it in advance of proceedings for court enforcement of said Amended Plan, as amended, and irrespective of said proceedings, to adjust the carrying value of its investment in the Common Stock of Potomac Electric from $9,000,000 to $37,088,478.23 to reflect its underlying book value, exclusive of adjustments to be made by Potomac Electric. Washington Railway states that such accounting adjustment would enable it to sell the holdings of Capital Stock of its subsidiary, Capital Transit Company, in advance of the reclassification of the securities of Potomac Electric, without incurring a capital impairment which would preclude the payment of dividends upon its own (Washington Railway) Preferred and Common Stocks.

Washington Railway represents that it will advise each of its stockholders of record by letter of the proposed modification of the Amended Plan and the date of the hearing to be held with respect to said modification.

The Commission deeming it appropriate that the proceedings herein be reopened and that the hearings heretofore held on January 15, and 16, 1947 on said Amended Plan be reconvened for the purpose of affording an opportunity to all interested persons to present evidence and to be heard in respect to proposed

transactions set forth and contained in said amendment filed by Washington Railway on March 3, 1947, amending its Amended Plan; and that appropriate notice thereof be given to all interested parties;

It is ordered, That the proceedings herein held pursuant to section 11 (e) of the act with respect to the Amended Plan (File No. 54-98) filed by Washington Railway on August 30, 1946 be reopened and the hearing be reconvened for the purpose of presenting evidence and the taking of testimony with respect to the matters presented under the provisions of the Amended Plan, as amended by said amendment, filed on March 3, 1947 by Washington Railway.

It is further ordered, That the hearing upon said matters shall be held under the applicable provisions of the act and rules promulgated thereunder on March 12, 1947, at 10 a. m., e. s. t., in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania, in such room as may be designated at such time by the hearing room clerk in Room 318.

It is further ordered, That, without limiting the scope of the issues presented, particular attention will be directed at such reconvened hearing to the following matters and questions:

1. Whether the treatment proposed to be accorded the Preferred and Common stockholders of Washington Railway under the provisions of the proposed modification of the Amended Plan is fair and equitable.

2. Whether the proposal to increase the number of shares of new Common Stock of Potomac Electric, par value $10 per share, to be issued under the provisions of the Amended Plan, as amended, from 2,897,500 shares to 2,961,250 shares and the issuance of such shares of stock, meets the standards of section 7 of the act and the other applicable provisions of the act and rules and regulations promulgated thereunder.

3. Whether the Amended Plan, as amended, is necessary to effectuate the provisions of section 11 of the act and is fair and equitable to the persons affected thereby; and is in compliance with the Commission's order of April 14, 1942 with respect to The North American Company and its subsidiary companies; and, if not, in what respect said Amended Plan, as amended, should be modified, altered, changed or amended.

4. Whether the request of Washington Railway that it be permitted to increase the carrying value of its investment in the Common Stock of Potomac Electric and to credit earned surplus in order to absorb the probable book loss upon the sale of the Capital Stock of Capital Transit Company by Washington Railway should be granted, or whether such accounting adjustments should be exempted pursuant to Rule U-100 or otherwise from the requirements of the Uniform System of Accounts for Public Utility Holding Companies prescribed by this Commission.

It is further ordered, That Robert P. Reeder or any other hearing officer or hearing officers of the Commission designated by it for that purpose shall preside at the hearing in such matter. The hearing officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

It is further ordered, That any interested representative, agency, authority, or instrumentality of the United States, or any interested State, State commission, State securities commission, municipality or other political subdivision of a State, who has not already entered an appearance herein, shall become a party to those proceedings upon the filing of a written notice of appearance herein, as provided in Rule XVII of the Commission's revised rules of practice. Any other interested person desiring to be heard in connection with these proceedings, who has not already been granted leave to be heard herein, may be granted such leave to be heard in accordance with said Rule XVII, and for that purpose shall file with the Secretary of the Commission, not later than two days prior to the date hereinbefore fixed for the commencement of said hearing, his request or application for that purpose. Such request shall set forth the nature of the applicant's interest in the proceedings, his reasons for requesting leave to be heard, and shall also set forth applicant's position with respect to the allegations hereinbefore set forth and with respect to the issues herein. Any such person desiring to be heard who wishes to raise additional issues not otherwise set forth herein, shall state such additional issues so proposed to be raised in his application, unless for good cause shown he is permitted thereafter to raise such issues.

It is further ordered, That notice of the aforesaid hearing be given to Washington Railway and Electric Company, The North American Company, Potomac Electric Power Company, The Washington and Rockville Railway Company of Montgomery County, Capital Transit Company, Braddock Light & Power Company, Incorporated, Great Falls Power Company, Montgomery Bus Lines, Incorporated, The Glen Echo Park Company, the Public Utilities Commission of the District of Columbia, The Public Service Commission of Maryland, and The State Corporation Commission of Virginia; to all parties who have previously participated in any phase of these proceedings, including the Attorney General, Department of Justice, Washington, D. C., the Administrator, Federal Works Agency, Washington, D. C., The Commissioner of Public Buildings, Washington, D. C., The Director of Procurement, United States Treasury Department, Washington, D. C., the People's Counsel for the District of Columbia, Washington, D. C., National Savings and Trust Company, Washington, D. C., American Security and Trust Company, Washington, D. C., Union Trust Company, Washington, D. C., Washington Loan & Trust Company, Washington, D. C., Norwood B. Orrick, of Venable, Baetjer & Howard, 1409 Mercantile Trust Building, Baltimore, Maryland, and Y. E. Booker, of Alexander Brown & Sons, Washington, D. C., such notice to each of the foregoing to be given by registered mail; and that notice is also given to the foregoing and to all other persons by publication of this order in the FEDERAL REGISTER and in a general release of this Commission distributed to the press and mailed to the mailing list for releases under the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-2137; Filed, Mar. 7, 1947; 8:45 a. m.]

[File Nos. 59-10, 54-82, 59-39, 54-50, 54-147]

NORTH AMERICAN CO. ET AL.

ORDER GRANTING MOTION AND APPROVING PLAN

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa. on the 28th day of February 1947.

In the matter of The North American Company, and its subsidiary companies, File No. 59-10; the North American Company, File No. 54-82; North American Light & Power Company, Holding-Company System, and The North American Company, File No. 59-39; North American Light & Power Company, File No. 54-50; Illinois Power Company, File No. 54-147.

The North American Company, a registered holding company, having filed an application on January 6, 1947, for approval of a plan, (designated as Plan I) pursuant to the provisions of section 11 (e) of the Public Utility Holding Company Act of 1935, and North American Light & Power Company, a registered holding company and subsidiary of The North American Company, having joined in said application, and Illinois Power Company, a registered holding company and subsidiary of North American Light & Power Company, having filed an application on January 9, 1947, for approval of said Plan I in so far as said Plan I relates to the settlement of all claims and counterclaims affecting Illinois Power Company; and

Illinois Power Company having made a motion on January 31, 1947 that the Commission enter a separate order approving (1) the settlement of all claims and counterclaims affecting Illinois Power Company and (2) Plan I in so far only as such plan embodies that settlement; and

A public hearing on said Plan I having been held and the record closed with respect thereto, briefs with respect to said motion of Illinois Power Company having been filed and none of said participants having requested oral argument with respect to said motion; and

The Commission being duly advised and having this day issued its preliminary opinion herein and having in process of preparation a definitive findings and opinion; and

It appearing appropriate in the interests of orderly and expeditious adminis-

tration to sever from said Plan I that portion thereof which relates to the settlement of all claims and counterclaims affecting Illinois Power Company; and

The Commission finding in said preliminary opinion that so much of Plan I as provides for the settlement by The North American Company, North American Light & Power Company, and Illinois Power Company of all claims and counterclaims affecting Illinois Power Company, is necessary to effectuate the provisions of section 11 (b) of said act, and fair and equitable to the persons affected thereby, and further finding that the foregoing determination may be made without prejudice to the jurisdiction of the Commission to determine ultimately the rights of North American Light & Power Company and its various security holders, including The North American Company in these consolidated proceedings;

It is ordered, That the motion of Illinois Power Company for a separate order approving so much of said Plan I as provides for the settlement of all claims and counterclaims affecting Illinois Power Company be and hereby is granted.

It is further ordered, That so much of said Plan I as provides for the settlement of all claims and counterclaims affecting Illinois Power Company as more fully summarized in the preliminary opinion of the Commission issued on this date be and hereby is approved; *Provided, however* That said portion of Plan I shall not be consummated until approved by an appropriate United States District Court; *And provided further,* That jurisdiction to determine ultimately the rights of North American Light & Power Company and its various security holders, including The North American Company be and hereby is specifically reserved.

It is further ordered, That jurisdiction be and hereby is reserved to enter such other and further orders or to take such other or further action as may be necessary or appropriate in the premises with respect to all of the issues in these consolidated proceedings except as otherwise specifically provided herein.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-2135; Filed, Mar. 7, 1947; 8:45 a. m.]

[File No. 812-481]

MORRIS PLAN CORPORATION OF AMERICA ET AL.

NOTICE OF APPLICATION, STATEMENT OF ISSUES AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 4th day of March A. D. 1947.

In the matter of The Morris Plan Corporation of America, The Topeka Morris Plan Company, American General Corporation, File No. 812-481.

Notice is hereby given that The Morris Plan Corporation of America has filed an application pursuant to section 17 (b) of the Investment Company Act of 1940 for an order granting exemption from the provisions of section 17 (a) of the act so as to permit the purchase from The Morris Plan Corporation of America by The Topeka Morris Plan Company of 125 shares of the capital stock of The Topeka Morris Plan Company at a price of $360 per share, amounting to a total price of $45,000.

American General Corporation is a closed-end, non-diversified, management investment company and is registered under the Investment Company Act of 1940. American General Corporation owns 61.28% of the voting stock of the applicant, The Morris Plan Corporation of America, which in turn owns 25% of the capital stock of The Topeka Morris Plan Company.

Section 17 (a) (2) of the act prohibits an affiliated person of an affiliated person of a registered investment company from purchasing from any person controlled by such registered investment company any securities except securities of which the seller is the issuer. The applicant has therefore filed an application pursuant to section 17 (b) of the act for an order exempting the proposed transaction from the provisions of section 17 (a) of the act, and the applicant asserts that the proposed transaction meets the standards and requirements of section 17 (b)

All interested persons are referred to said application which is on file in the offices of the Commission for a more detailed statement of the proposed transaction and the matters of fact and law asserted.

The Corporation Finance Division of the Commission has advised the Commission that upon a preliminary examination of the application, it deems the following issues to be raised thereby without prejudice to the specification of additional issues upon further examination:

(1) Whether the proposed agreement is fair and reasonable;

(2) Whether the proposed agreement involves overreaching on the part of any person concerned;

(3) Whether the proposed agreement is consistent with the policy of American General Corporation as recited in its registration statement and reports filed under the act;

(4) Whether the proposed agreement is consistent with the general purposes of the act.

It appearing to the Commission that a hearing upon the application is necessary and appropriate:

It is ordered, Pursuant to section 40 (a) of said act, that a public hearing on the aforesaid application be held on March 20, 1947, at 10:00 a. m., eastern standard time, Room 318 in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

It is further ordered, That Robert P. Reeder, or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing and any officer or officers so designated to preside at any such hearing is hereby authorized to exercise all of the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to hearing officers under the Commission's rules of practice.

Notice of such hearing is hereby given to the above-mentioned The Topeka Morris Plan Company, The Morris Plan Corporation of America, American General Corporation, and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors. Any person desiring to be heard or otherwise desiring to participate in said proceedings should file with the Secretary of the Commission, on or before March 17, 1947 his application therefor as provided by Rule XVII of the rules of practice of the Commission, setting forth therein any of the above issues of law or fact which he desires to controvert and any additional issues he deems raised by the aforesaid application.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-2136; Filed, Mar. 7, 1947; 8:45 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stats. 839, Pub. Laws 322, 671 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 8227]

HEDWIG BENSINGER ET AL.

In re: Stock and a bank account owned by Hedwig Bensinger, Richard Bensinger, Hermann Soherr, Annelore Soherr and the personal representatives, heirs, next of kin, legatees and distributees of Anna S. Soherr, deceased. F-28-1860-D-1, D-66-2224-D-1, F-28-1139-D-1, F-28-1140-D-1, F-28-1367-D-1, F-28-1296-D-1.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hedwig Bensinger, Richard Bensinger, Hermann Soherr, and Annelore Soherr, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That the personal representatives, heirs, next of kin, legatees and distributees of Anna S. Soherr, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany),

3. That the property described as follows: Eighty-eight (88) shares of $100.00 par value common capital stock of The Hermann Stursberg Realty Company, a corporation organized under the laws of the State of New York, evidenced by cer-

tificate numbered 39 for 25 shares and certificate numbered 105 for 63 shares, registered in the name of Anna S. Soherr, and presently in the custody of The Hermann Stursberg Realty Company, 420 Lexington Avenue, New York 17, New York, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Anna S. Soherr, deceased, the aforesaid nationals of a designated enemy country (Germany)

4. That the property described as follows: Eighty (80) shares of $100.00 par value common capital stock of The Hermann Stursberg Realty Company, a corporation organized under the laws of the State of New York, evidenced by the certificates, presently in the custody of The Hermann Stursberg Realty Company, 420 Lexington Avenue, New York 17, New York, listed below, registered in the names of and owned by the persons listed below in the amounts appearing opposite each name, as follows:

Registered owner	Certificate No.	Number of shares
Hedwig Bensinger	41	26
	111	7
Richard Bensinger	97	21
Annelore Soherr	98	13
Hermann Soherr	99	13

together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Hedwig Bensinger, Richard Bensinger, Hermann Soherr and Annelore Soherr, the aforesaid nationals of a designated enemy country (Germany)

5. That the property described as follows: That certain debt or other obligation of Central Hanover Bank and Trust Company, 70 Broadway, New York, New York, arising out of a checking account, entitled Funds held for the account of Blocked Nationals, and any and all rights to demand, enforce and collect the same.

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Hedwig Bensinger, Richard Bensinger, Hermann Soherr, Annelore Soherr and the personal representatives, heirs, next of kin, legatees and distributees of Anna S. Soherr, deceased, the aforesaid nationals of a designated enemy country (Germany)

and it is hereby determined:

6. That to the extent that the above named persons and the personal representatives, heirs, next of kin, legatees and distributees of Anna S. Soherr, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 17, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2191; Filed, Mar. 7, 1947; 8:45 a. m.]

[Vesting Order 8253]

STEPHEN KELLER

In re: Insurance policy rights owned by Stephen Keller. File D-28-9947; E. T. sec. 14103.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Stephen Keller, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the net proceeds due or to become due under a contract of insurance evidenced by Benefit Certificate No. 50845 issued by Catholic Knights of St. George, Branch No. 50, Pittsburgh, Pennsylvania, on the life of Rev. Adolf Keller, deceased, wherein Stephen Keller is the designated beneficiary, and any other benefits and rights of any name or nature whatsoever under or arising out of said contract of insurance which are or were held by Stephen Keller, together with the right to demand, enforce, receive and collect said net proceeds and any other benefits and rights under the said contract of insurance, is property payable within the United States owned or controlled by, payable or deliverable to, held on behalf of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2192; Filed, Mar. 7, 1947; 8:45 a. m.]

[Vesting Order 8274]

MARY FISHER

In re: Estate of Mary Fisher, sometimes known as Mary Fischer. File D-28-10447; E. T. sec. 14854.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Mrs. Minna Gemmerich, Mrs. Pauline Heller, Anton Diehl and John Diehl, and each of them, in and to the Estate of Mary Fisher, sometimes known as Mary Fischer, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Mrs. Minna Gemmerich, Germany.
Mrs. Pauline Heller, Germany.
Anton Diehl, Germany.
John Diehl, Germany.

That such property is in the process of administration by Herbert W. Stewart, as Executor, acting under the judicial supervision of the District Court of Montana, Fourth Judicial District, County of Missoula,

And determined that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany),

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have

the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 24, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2193; Filed, Mar. 7, 1947; 8:45 a. m.]

[Vesting Order 8281]

ERNEST MÖHLE

In re: Estate of Ernest Möhle a/k/a Henry Miller, deceased. File No. D-28-2067; E. T. sec. 2363.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Wilhelm Möhle, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the sum of $1,029.37 was paid to the Alien Property Custodian by Otto Niedermeyer, Executor of the Estate of Ernest Möhle a/k/a Henry Miller, deceased;

3. That the said sum of $1,029.37 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Alien Property Custodian by acceptance thereof on February 12, 1946, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 24, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2195; Filed, Mar. 7, 1947; 8:45 a. m.]

[Vesting Order 8275]

JOSEPH GERLOWSKI

In re: Estate of Joseph Gerlowski, deceased. File No. D-28-10222; E. T. sec. 14568.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Soscha Gerlowska in and to the Estate of Joseph Gerlowski, deceased,

is property payable or deliverable to, or claimed by a national of a designated enemy county, Germany, namely,

National and Last Known Address

Soscha Gerlowska, Germany.

That such property is in the process of administration by Jozef Kazimierz Krasicki, as administrator de bonis non of the Estate of Joseph Gerlowski, deceased, acting under the judicial supervision of the Surrogate's Court, Nassau County, New York;

And determined that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 24, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2194; Filed, Mar. 7, 1947; 8:45 a. m.]

[Vesting Order 8282]

DANIEL RASP

In re: Trust u/w of Daniel Rasp, deceased. File D-28-9749; E. T. sec. 13671.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Thrina Shelter, Fritz Rasp, and Luise Rasp, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany),

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Daniel Rasp, deceased and in and to the trust created under the will of Daniel Rasp, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany),

3. That such property is in the process of administration by John M. Schmitz, as Executor acting under the judicial supervision of the Probate Court of Cook County, Illinois;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 24, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director

[F. R. Doc. 47-2196; Filed, Mar. 7, 1947; 8:45 a. m.]

[Vesting Order 8284]

JOHANNA SCHWARTZ

In re: Estate of Johanna Schwartz, deceased. File No. D-34-882; E. T. Sec. No. 14719.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Rosie Schwartz, Bertale (Schwartz) Goldfarb, Alexander Schwartz and Joseph Schwartz, and each of them, in and to the estate of Johanna Schwartz, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Hungary, namely,

Nationals and Last Known Address

Rosie Schwartz, Hungary.
Bertale (Schwartz) Goldfarb, Hungary.
Alexander Schwartz, Hungary.
Joseph Schwartz, Hungary.

That such property is in the process of administration by Abram Mason and Julia Klein, as Executors of the Estate of Johanna Schwartz, acting under the judicial supervision of the Surrogate's Court, Bronx County, New York;

And determined that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Hungary)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 24, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2197; Filed, Mar. 7, 1947; 8:45 a. m.]

[Vesting Order 8286]

ANNA UFFELMANN

In re: Estate of Anna Uffelmann, deceased. File No. D-28-6581, E. T. sec. 5017.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Heinrich Siegel (husband of Marie Siegel, deceased) Wilhelm Siegel (son of Marie Siegel, deceased) Carl Siegel (son of Marie Siegel, deceased), and Anna Liese Siegel (daughter of Marie Siegal, deceased) whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That the other heirs at law, next of kin, distributees, executors, administrators and personal representatives, names unknown, of Marie Siegel, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany)

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Anna Uffelmann, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany)

4. That such property is in the process of administration by John Uffelmann, as Executor of the Estate of Anna Uffelmann, deceased, acting under the judicial supervision of the Surrogate's Court, Bronx County, New York;

and it is hereby determined:

5. That to the extent that the above named persons and the other heirs at law, next of kin, distributees, executors, administrators and personal representatives, names unknown, of Marie Siegel, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 24, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2198; Filed, Mar. 7, 1947; 8:45 a. m.]

[Vesting Order 8287]

FRIEDA WAHLERS

In re: Estate of Frieda Wahlers, deceased. File D-28-7540; E. T. sec. 7867.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Marie Schroeder, Emma Lohse, Ernst Lohse, Wilhelm Lohse, Hermann Lohse, Karl Adolf Lohse, Hinrich Mangels, Dora Mangels, August Mangels, Rudolf Mangels, Margaret Mangels, Emmie Heins, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany),

2. That the issue, names unknown, of Marie Schroeder, issue, names unknown, of Emma Lohse, issue, names unknown, of Ernst Lohse, issue, names unknown, of Wilhelm Lohse, issue, names unknown, of Hermann Lohse, issue, names unknown, of Karl Adolf Lohse, children, names unknown, of Willy Lohse, deceased, issue, names unknown, of Hinrich Mangels, issue, names unknown, of Dora Mangels, issue, names unknown, of August Mangels, issue, names unknown, of Rudolf Mangels, issue, names unknown, of Margaret Mangels, issue, names unknown, of Emmie Heins, children, names unknown, of Lena Mangels, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany),

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Frieda Wahlers, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country, (Germany);

4. That such property is in the process of administration by John Schult, as executor, acting under the judicial supervision of the Surrogate's Court of Queens County, New York;

and it is hereby determined:

5. That to the extent that the above named persons and the issue, names unknown, of Marie Schroeder, issue, names unknown, of Emma Lohse, issue, names unknown, of Ernst Lohse, issue, names unknown, of Wilhelm Lohse, issue, names unknown, of Hermann Lohse, issue, names unknown, of Karl Adolf Lohse, children, names unknown, of Willy Lohse, deceased, issue, names unknown, of Hinrich Mangels, issue, names unknown, of Dora Mangels, issue, names unknown, of August Mangels, issue, names unknown, of Rudolf Mangels, issue, names unknown, of Margaret Mangels, issue, names unknown, of Emmie Heins, children, names unknown, of Lena Mangels, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 24, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2199; Filed, Mar. 7, 1947; 8:45 a. m.]

[Vesting Order 8289]

ELIZABETH BERTHOLD

In re: Estate of Elizabeth Berthold, a/k/a Elsbeth Berthold, deceased. File No. D-28-10478; E. T. sec. 14898.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Minna Meyer, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the heirs at law, next of kin, and personal representatives of Elizabeth Berthold, a/k/a Elsbeth Berthold, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany),

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Elizabeth Berthold, a/k/a Elsbeth Berthold, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany),

4. That such property is in the process of administration by John E. Gleason, 44 Throop Avenue, New Brunswick, New Jersey, as administrator, acting under the judicial supervision of the Middlesex County Orphans' Court, New Brunswick, New Jersey;

and it is hereby determined:

5. That to the extent that the above-named person and the heirs at law, next of kin, and personal representatives of Elizabeth Berthold, a/k/a Elsbeth Berthold, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 26, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director

[F. R. Doc. 47-2200; Filed, Mar. 7, 1947; 8:45 a. m.]

[Vesting Order 8300]

METTA BUCHHOLZ

In re: Estate of Metta Buchholz, deceased. File No. F-28-3217; E. T. sec. 1427.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Elisabeth Klunner in and to the estate of Metta Buchholz, deceased,

is property payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Elisabeth Klunner, Germany.

That such property is in the process of administration by Philip F Farley, as Ancillary Administrator, acting under the judicial supervision of the Surrogate's Court, New York County, State of New York,

And determined that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 26, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director

[F. R. Doc. 47-2201; Filed, Mar. 7, 1947; 8:45 a. m.]

[Vesting Order 8301]

HULDA DUESTROW

In re: Estate of Hulda Duestrow, deceased. File D-28-11012; E. T. sec. 15421.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the Cemetery Association of Mainz, Germany, whose last known address is Germany, is a national of a designated enemy country (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Hulda Duestrow, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany)

3. That such property is in the process of administration by St. Louis Union Trust Company of St. Louis, Missouri, as Executor, acting under the judicial supervision of the Probate Court of the City of St. Louis, Missouri;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 26, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director

[F. R. Doc. 47-2202; Filed, Mar. 7, 1947; 8:45 a. m.]

[Vesting Order 8305]

DANIEL EMIL KLEPS

In re: T/W of Daniel Emil Kleps, deceased. File D-28-10181, E. T. sec. 14502.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hedwig Sonnenwald, Laura Spohr, and Hugo Kroll, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany),

2. That the issue of Laura Spohr, names unknown, the issue of Hugo Kroll, names unknown, and issue of Willie Sonnenwald, names unknown, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany),

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the trust created under the will of Daniel Emil Kleps, deceased, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany),

4. That such property is in the possession of the American Security and Trust Company of Washington, D. C., as trustee;

and it is hereby determined:

5. That to the extent that the above-named persons and the issue of Laura Spohr, names unknown, issue of Hugo Kroll, names unknown, and issue of Willie Sonnenwald, names unknown, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used,

administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 26, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2206; Filed, Mar. 7, 1947; 8:46 a. m.]

[Vesting Order 8302]

ANNA EISELE

In re: Estate of Anna Eisele, deceased. File No. D-28-10157; E. T. sec. 14453.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Richard Eisele, Helene Eisele, Elsa Eisele Weimer, Ernest Eisele, Martha Eisele Mayer, Helga Eisele and Gisela Eisele, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Anna Eisele, deceased, is propery payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany)

3. That such property is in the process of administration by Max Eisele, as Administrator, acting under the judicial supervision of the Surrogate's Court of Queens County, New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 26, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2203; Filed, Mar. 7, 1947; 8:46 a. m.]

MARIE HELVST

[Vesting Order 8303]

In re: Estate of Marie Helvst, deceased. File No. D-28-2219; E. T. sec. 2871.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows:

All right, title, interest and claim of any kind or character whatsoever of Anna Brunning and Gretchen Myer, and each of them, in and to the estate of Marie Helvst, deceased.

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Anna Brunning, Germany.
Gretchen Myer, Germany.

That such property is in the process of administration by Fred Eichmann and Jacob R. Voorhees, as Co-Executors, acting under the judicial supervision of the Somerset County Orphans' Court, Somerville, New Jersey,

And determined that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 26, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2204; Filed, Mar. 7, 1947; 8:46 a. m.]

[Vesting Order 8304]

MAURICE HERSCHKOVITZ

In re: Estate of Maurice Herschkovitz a/k/a Morris Hirsch, deceased. File D-34-856; E. T. sec. 14212.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Dr. Herman Herschkovitz and Mrs. Rose Schweiger, whose last known addresses are Hungary, are residents of Hungary and nationals of a designated enemy country (Hungary),

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them in and to the estate of Maurice Herschkovitz a/k/a Morris Hirsch, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Hungary)

3. That such property is in the process of administration by Max Hirsch, as administrator, acting under the judicial supervision of the Surrogate's Court of New York County, New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Hungary)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 26, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2205; Filed, Mar. 7, 1947; 8:46 a. m.]

[Vesting Order 8308]

JOSEPH MAUSHART

In re: Estate of Joseph Maushart, a/k/a Josef Maushart, deceased. File No. D-28-10790; E. T. sec. 15129.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Leo Maushart and Marie Menner Maushart, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany),

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Joseph Maushart, a/k/a Josef Maushart, deceased, is property payable or deliverable to, or claimed by, the aforementioned nationals of a designated enemy country (Germany)

3. That such property is in the process of administration by Frank M. Nicolosi, Public Administrator for Queens County, as Administrator, acting under the

judicial supervision of the Surrogate's Court of Queens County, New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 26, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2207; Filed, Mar. 7, 1947; 8:46 a. m.]

[Vesting Order 8307]

EDUARD STANGLER

In re: Estate of Eduard Stangler, deceased. File D-28-11440; E. T. sec. 6790.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ottilie Schmidt, Stephanie Langer, Ernestina Janda, Adalia Janda, Wilhelmina Janda, Edmund Janda, Augusta Janda, and Emma Janda, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Eduard Stangler, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany)

3. That such property is in the process of administration by J. C. Cassidy, as administrator, acting under the judicial supervision of the Superior Court of the State of Washington, in and for the County of Snohomish;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 26, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director

[F. R. Doc. 47-2208; Filed, Mar. 7, 1947; 8:46 a. m.]

[Vesting Order 8308]

LOUISE B. WALTER

In re: Estate of Louise B. Walter, deceased. File No. D-28-8949; E. T. sec. 11263.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ruth Merz, Katherine Merz and August Merz, whose last known addresses are Germany, are residents of Germany and are nationals of a designated enemy country (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Louise B. Walter, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany)

3. That such property is in the process of administration by Irma Von Rusten, 733 Church Avenue, Brooklyn, New York, as Administratrix, acting under the judicial supervision of the Surrogate's Court, New York County, State of New York;

and it is hereby determined;

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 26, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2209; Filed, Mar. 7, 1947; 8:46 a. m.]

[Vesting Order 8310]

VERA DECORDOVA

In re: Currency, coin, debts and stock owned by Vera DeCordova, also known as Vera de Cordova. F-28-25130-C-1, F-28-25130-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Vera DeCordova, also known as Vera de Cordova, whose last known address is 10 Gedon Strasse, Munich, Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the property described as follows:

a. Currency and coin in the sum of $7,228.90, held by Edward Horman, 5823 Delor Street, St. Louis 9, Missouri, in a safe deposit box in the officers vault of First National Bank in St. Louis, St. Louis, Missouri.

b. That certain debt or other obligation owing to Vera DeCordova, also known as Vera de Cordova, by St. Louis Crematory & Mausoleum Company, 7600 St. Charles Rock Road, St. Louis County 14, Missouri, in the amount of $4.50, as of April 19, 1946, evidenced by check number 41037, in the sum of $4.50, dated December 15, 1941, issued by St. Louis Crematory & Mausoleum Company, 7600 St. Charles Rock Road, St. Louis County 14, Missouri, and presently in the custody of Edward Horman, 5823 Delor Street, St. Louis 9, Missouri, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation and any and all accruals thereto, together with any and all rights in, to and under, including particularly the right to possession of, the aforesaid check,

c. That certain debt or other obligation owing to Vera de Cordova, by Philipsburg Mining Company, Security Building, St. Louis 2, Missouri, in the amount of $110.25, as of November 21, 1946, evidenced by check number 53, in the sum of $110.25, dated November 2, 1946, issued by Leigh Wyman, Trustee, Philipsburg Mining Company, Security Building, St. Louis 2, Missouri, and presently in the custody of Edward Horman, 5823 Delor Street, St. Louis 9, Missouri, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation and any and all accruals thereto, together with any and all rights in, to and under, including particularly the right to possession of, the aforesaid check,

d. Three (3) shares of $25.00 par value cumulative 6% preferred capital stock of St. Louis Crematory & Mauso-

leum Company, 7600 St. Charles Rock Road, St. Louis County 14, Missouri, a corporation organized under the laws of the State of Missouri, evidenced by certificate number 616, registered in the name of Miss Vera DeCordova, and presently in the custody of Edward Horman, 5823 Delor Street, St. Louis 9, Missouri, together with all declared and unpaid dividends thereon, and

e. Three hundred fifteen (315) shares of $0.10 par value capital stock of Philipsburg Mining Company, Security Building, St. Louis 2, Missouri, a corporation organized under the laws of the State of Missouri, evidenced by certificate number 2850, registered in the name of Vera DeCordova, and presently in the custody of Edward Horman, 5823 Delor Street, St. Louis 9, Missouri, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 26, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2210; Filed, Mar. 7, 1947; 8:46 a. m.]

[Vesting Order 8314]

EUGEN HOERNER G. M. B. H.

In re: Debt owing to and bank account owned by Eugen Hoerner, G. m. b. H., also known as Eugene Hoerner, G. m. b. H. F-28-1968-C-1, F-28-1968-C-2.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Eugen Hoerner, G. m. b. H., also known as Eugene Hoerner, G. m. b. H., the last known address of which is Bismarckstrasse 27, Heilbronn a/N, Germany, is a national of a designated enemy country (Germany)

2. That the property described as follows:

a. All those debts or other obligations owing to Eugen Hoerner, G. m. b. H., also known as Eugene Hoerner, G. m. b. H., by Walter C. Cox, 208 S. La Salle Street, Suite 1802-05, Chicago 4, Illinois, including particularly but not limited to a portion of the sum of money on deposit with the City National Bank and Trust Co. of Chicago, 208 S. La Salle Street, Chicago, Illinois, in a bank account, entitled W. C. Cox & Company Special Account, maintained at the aforesaid bank and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Eugen Hoerner, G. m. b. H., also known as Eugene Hoerner, G. m. b. H., by Security First National Bank of Los Angeles, 6th & Spring Streets, Los Angeles 54, California, arising out of a Term Savings Account, Account Number 393557, entitled Eugene Hoerner, G. m. b. H., maintained at the Civic Center Branch office of the aforesaid bank located at 110 S. Spring Street, Los Angeles 12, California, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 26, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2211; Filed, Mar. 7, 1947; 8:46 a. m.]

CHRISTIAN HEINRICH HOFSESS

NOTICE OF INTENTION TO RETURN VESTED PROPETRY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return the following vested property on or after 30 days from the date of the publication hereof, less any authorized deductions:

Claimant	Claim No.	Vesting order No.	Property	Location
Christian Heinrich Hofsess, Paterson, N. J.	6342	6377 (11 F. R. 2610)	$125.60	Washington, D. C.

Executed at Washington, D. C., on March 4, 1947.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2218; Filed, Mar. 7, 1947; 8:47 a. m.]

[Vesting Order 8316]

OTTO KELLER AND MARIE STECHER

In re: Bank accounts owned by Otto Keller and Marie Stecher. F-28-11601-C-1, F-28-12295-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Otto Keller and Marie Stecher, whose last known addresses are, respectively, Frauendorf, Germany and Leipnitz, Germany, are residents of Germany and nationals of a designated enemy country (Germany),

2. That the property described as follows:

a. That certain debt or other obligation owing by The First National Bank and Trust Company of New Haven, New Haven, Connecticut, arising out of a savings account, Account Number 146,561, entitled Carl F. Bollmann, Atty. for Otto Keller, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing by The First National Bank and Trust Company of New Haven, New Haven, Connecticut, arising out of a savings account, Account Number 146,561, entitled Carl F. Bollmann, Atty. for Marie Stecher, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Otto Keller and Marie Stecher, the aforesaid nationals of a designated enemy country (Germany;

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 26, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director

[F. R. Doc. 47-2212; Filed Mar. 7, 1947; 8:46 a. m.

[Vesting Order 8318]

KURHESSISCHE HAUSSTIFTUNG

In re: Stock owned by Kurhessische Hausstiftung. F-28-348-D-3, F-28-348-D-4.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kurhessische Hausstiftung, the last known address of which is Philippsruhe near Hanau, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany)

2. That the property described as follows:

a. Two hundred (200) shares of $1.00 par value common capital stock of Alleghany Corporation, Equitable Building, Wilmington, Delaware, a corporation organized under the laws of the State of Maryland, evidenced by certificates numbered 107633 and 107634 for one hundred (100) shares each and registered in the name of Kurhessische Hausstiftung, together with all declared and unpaid dividends thereon,

b. Ten (10) shares of no par value $2.50 cumulative prior preferred capital stock of Alleghany Corporation, Equitable Building, Wilmington, Delaware, a corporation organized under the laws of the State of Maryland, evidenced by certificate number 3800 and registered in the name of Kurhessische Hausstiftung, together with all declared and unpaid dividends thereon, and

c. Fifty (50) shares of no par value first preferred capital stock of The American Superpower Corporation, 100 West 10th Street, Wilmington, Delaware, a corporation organized under the laws of the State of Delaware, evidenced by certificate number 15587 and registered in the name of Kurhessische Hausstiftung, together with all declared and unpaid dividends thereon, and any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 26, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director

[F. R. Doc. 47-2213; Filed, Mar. 7, 1947; 8:46 a. m.]

CELOTEX CORP.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return the following vested property on or after 30 days from the date of the publication hereof, less any authorized deductions:

Claimant	Claim No.	Vesting order No.	Property	Location
The Celotex Corp., Chicago, Ill..	1271	201 (8 F. R. 625)....	U. S. Letters Patent Nos. 2,004,545 and 2,172,076.	Washington, D. C.

Executed at Washington, D. C., on March 4, 1947.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2219; Filed, Mar. 7, 1947; 8:47 a. m.]

[Vesting Order 8329]

PAUL HEINSOHN

In re: Estate of Paul Heinsohn, deceased. File No. D-66-1379; E. T. sec. 8662.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Wilhelmine M. L. Heinsohn, widow, and Wilma Mikeska, daughter, whose last known addresses are Germany, are residents of Germany and are nationals of a designated enemy country (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Paul Heinsohn, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany),

3. That such property is in the process of administration by Public Administrator of New York County, Hall of Records, 31 Chambers Street, New York, New York, as Administrator, acting under the judicial supervision of the Surrogate's Court, New York County, State of New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director

[F. R. Doc. 47-2214; Filed, Mar. 7, 1947; 8:46 a. m.]

[Vesting Order 8330]

WASEL MASKARINEC

In re: Estate of Wasel Maskarinec, deceased. File No. D-34-783; E. T. sec. 11878.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Bertha Maskarinec, whose last known address is Hungary, is a resident of Hungary and a national of a designated enemy country (Hungary),

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Wasel Maskarinec, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Hungary)

3. That such property is in the process of administration by Francis J. Mulligan, Public Administrator, 31 Chambers Street, New York, New York, as administrator, acting under the judicial supervision of the Surrogate's Court, New York County, State of New York;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Hungary)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2215; Filed, Mar. 7, 1947; 8:47 a. m.]

[Vesting Order 8349]

MARY IONESCU GRANDA

In re: Estate of Mary Ionescu Granda, a/k/a Mary Ionescu B. Granda, deceased. File D-57-415; E. T. sec. 14120.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Simion Belmustata, Iovan Belmustata, Anna Odrobot, Gavril Belmustata, Ioan Belmustata, Aurica Belmustata and Mosa Belmustata, whose last known address is Rumania, are residents of Rumania and nationals of a designated enemy country (Rumania),

2. That the sum of $5,592.75 was paid to the Attorney General of the United States by Carl Miller and Peter Marcu, Co-executors of the Estate of Mary Ionescu Granda, a/k/a Mary Ionescu B. Granda, deceased;

3. That the said sum of $5,592.75 was property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country, (Rumania),

4. That the said sum of $5,592.75 is presently in the possession of the Attorney General of the United States and was property in the process of administration by Carl Miller and Peter Marcu, Co-executors of the Estate of Mary Ionescu Granda, a/k/a Mary Ionescu B. Granda, deceased, acting under the judicial supervision of the Probate Court of Cook County, Illinois;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Rumania)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Attorney General of the United States by acceptance thereof on December 11, 1946, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2216; Filed, Mar. 7, 1947; 8:47 a. m.]

[Return Order 6]

PHILIPPINE MFG. CO. AND ARNO BRASCH

Having considered the claims set forth below and having approved the Vested Property Claims Committee's Determinations and Allowance [1] with respect thereto, which are incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the Determinations and Allowance, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned as follows, after adequate provision for conservatory expenses:

Claimant and claim number, notice of intention to return published, and property

The Philippine Mfg. Company, Manila, P. I., Claims Nos. 4216 to 4221, inclusive, 12 F. R. 427; January 21, 1947; Property described in the first paragraph of Vesting Order No. 295 (7 F. R. 9341, November 26, 1942), relating to U. S. Design Patent Applications Nos. D-95,830, D-95,831, D-95,832, D-95,833, D-95,834 and D-96,237, to the extent owned by claimant immediately prior to the vesting thereof.

Arno Brasch, New York, N. Y. Claims Nos. A-271 and A-304; 12 F. R. 430, January 21, 1947; Property described in the first paragraph of Vesting Order No. 201 (8 F.R. 625, January 16, 1943), relating to U. S. Letters Patent Nos. 1,931,475, 1,957,003, 2,005,021, 2,045,733 and 2,099,327, to the extent owned by claimant immediately prior to the vesting thereof.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on March 4, 1947.

For the Attorney General.

DONALD C. COOK,
Director.

[F. R. Doc. 47-2217; Filed, Mar. 7, 1947; 8:47 a. m.]

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[1] Filed as part of the original document.